FEDERAL REGISTER

Vol. 89 Thursday,

No. 56 March 21, 2024

Pages 20093–20302

OFFICE OF THE FEDERAL REGISTER

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Title 3—

The President

Proclamation 10712 of March 18, 2024

National Agriculture Day, 2024

By the President of the United States of America

A Proclamation

On National Agriculture Day, we celebrate generations of American farmers, farmworkers, fishers, ranchers, foresters, and all those who work around the clock to put food on our tables and steward our Nation's lands. They represent the best of America—pride in community, love of family, and work ethic and strength that power our economy and help feed the world.

Over the last few decades, the failed trickle-down economic policies of the past have hit rural America especially hard. They have hollowed out communities, essentially telling farmers that the only path forward is to ''get big'' or ''get out.'' Food producers, meat processors, and grocery chains have consolidated, undercutting small local businesses and weakening the bargaining power of the farmers and ranchers who supply large corporations with goods. Meanwhile, corporations that sell seeds, fertilizer, and even farm equipment have used their own outsized market power to charge more even as farmers sold their own goods for less. Family farms have struggled, as the promise of keeping a farm in the family is too often slipping out of reach. When family farms go by the wayside, the small businesses, hospitals, and schools that depend on them suffer as well. Across rural America, thousands of young people have had to leave home to find a good-paying job and a fair shot at the American Dream. It is wrong.

I came to office determined to change that. The historic legislation I have signed is creating new income and new ways for new generations of rural Americans to thrive. We are investing in rural America, creating new opportunities for farmers and ranchers nationwide.

The Bipartisan Infrastructure Law is strengthening farm supply chains by rebuilding roads, bridges, railways, ports, water systems, and more. It is bringing high-speed internet to every household in America, connecting rural communities to markets, customers, jobs, health care, education, and opportunity. The Inflation Reduction Act is investing nearly $20 billion to help farmers and ranchers earn a living while also helping to tackle the climate crisis, including adopting climate-smart practices like cover crops, rotational grazing, and nutrient management. It is expanding renewable energy, including homegrown biofuels, which is building a strong bio-economy for jobs of the future. Together, these laws are helping American farmers and ranchers remain strong and competitive in the face of a changing climate—from investing in watershed management and drought and flood protection to wildland fire protection. The Department of Agriculture (USDA) is providing billions of dollars in assistance to farmers who have previously experienced discrimination in their lending programs.

At the same time, my Administration is working across the board to promote competition and level the playing field for small farmers and ranchers. For example, the American Rescue Plan invested $1 billion in independent meat processors to help ease conglomerates' lock on the market and help small- and mid-sized companies grow. The USDA also published a Packers and Stockyards Act final rule, which prohibits discrimination, retaliation, and certain unfair practices in livestock, meat, and poultry markets. The USDA also finalized a rule to increase transparency in the poultry tournament

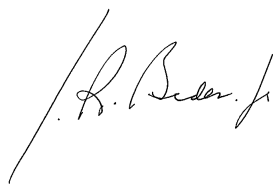
system so that growers have important information about the terms of their agreements. We have also pushed to cut costs for farmers by promoting farmers' ''right to repair'' their own equipment, without having to send it back to the manufacturer. We are working to expand double cropping insurance so farmers have the financial security they need to bear its risks and boost production.

We are also standing up for the farm and food workers who form the backbone of our Nation's economy. It is simple. Every worker in America deserves fair pay, safe conditions, and the free and fair choice to join a union. We promised to be the most pro-union Administration in history—and we are delivering. The USDA is also investing $45 million into partnerships with workforce development experts to better train agricultural employees. But there is still more to do, like finally providing undocumented farmworkers a pathway to citizenship. Our economy needs them, and they deserve dignity and respect.

It is simple: American agriculture feeds our families and powers our economy. National Agriculture Day is about celebrating the strength and tremendous contributions of our Nation's farmers and ranchers and making sure communities too long left behind have real reason to feel a new sense of hope and pride.

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 19, 2024, as National Agriculture Day. I call upon all Americans to join me in recognizing and reaffirming our commitment to and appreciation for our country's farmers, farmworkers, ranchers, fishers, foresters, and all those who work in the agricultural sector across the Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of March, 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.



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Filed 3–20–24; 8:45 am]
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Presidential Documents

Executive Order 14120 of March 18, 2024

Advancing Women's Health Research and Innovation

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *Policy.* My Administration is committed to getting women the answers they need about their health. For far too long, scientific and biomedical research excluded women and undervalued the study of women's health. The resulting research gaps mean that we know far too little about women's health across women's lifespans, and those gaps are even more prominent for women of color, older women, and women with disabilities.

The notion of including women in clinical trials used to be revolutionary—which means many diagnostics and treatments were developed without women in mind and thus failed to account for women's health. Over 30 years ago, the Congress passed the landmark National Institutes of Health Revitalization Act of 1993 (Public Law 103–43) to direct the National Institutes of Health (NIH), the largest public funder of biomedical research in the world, to include women and people of color in NIH-funded clinical research. In 2016, the Congress built on these requirements in the 21st Century Cures Act (Public Law 114–255), which directed the NIH to further its pursuit of women's health research, including by strengthening clinical trial inclusion and data analysis, developing research and data standards to advance the study of women's health, and improving NIH-wide coordination on women's health research.

These policies led to significant increases in women's participation in clinical trials, and ongoing investments in biomedical research have supported breakthroughs in women's health. Through the discovery of genetic factors that increase the risk of breast cancer and innovations in mammography, we have transformed our approach to prevention, early detection, and treatment, and have improved outcomes for women facing a breast cancer diagnosis. We have improved access to life-saving treatments for women with severe heart failure by ensuring that the devices they need are the right size for a woman's body. We have also identified some of the most characteristic symptoms of heart attack in women, which are different from those in men—discoveries that have helped deliver faster treatment to women when every second counts. This is what we can achieve when we invest in women's health research.

It is time, once again, to pioneer the next generation of discoveries in women's health. My Administration seeks to fundamentally change how we approach and fund women's health research in the United States. That is why I established the first-ever White House Initiative on Women's Health Research (Initiative)—which is within the Office of the First Lady and includes a wide array of executive departments and agencies (agencies) and White House offices—to accelerate research that will provide the tools we need to prevent, diagnose, and treat conditions that affect women uniquely, disproportionately, or differently.

Together with the First Lady's tireless efforts, the Initiative is already galvanizing the Federal Government to advance women's health, including through investments in innovation and improved coordination within and across agencies. We are also mobilizing leaders across a wide range of sectors, including industry, philanthropy, and the medical and research communities, to improve women's health.

It is the policy of my Administration to advance women's health research, close health disparities, and ensure that the gains we make in research laboratories are translated into real-world clinical benefits for women. It is also the policy of my Administration to ensure that women have access to high-quality, evidence-based health care and to improve health outcomes for women across their lifespans and throughout the country.

I will continue to call on the Congress to provide the transformative investments necessary to help our researchers and scientists answer today's most pressing questions related to women's health. Investing in innovation in women's health is an investment in the future of American families and the economy. At the same time, agencies must use their existing authorities to advance and integrate women's health across the Federal research portfolio, close research gaps, and make investments that maximize our ability to prevent, diagnose, and treat health conditions in women.

Sec. 2. *Definitions.* For purposes of this order:

(a) The term ''women's health research'' means research aimed at expanding knowledge of women's health across their lifespans, which includes the study and analysis of conditions specific to women, conditions that disproportionately impact women, and conditions that affect women differently.

(b) The term ''White House Initiative on Women's Health Research'' means the interagency, advisory body established by the Presidential Memorandum of November 13, 2023 (White House Initiative on Women's Health Research), to advance women's health research.

(c) The term ''agency Members of the Initiative'' refers to the Secretary of Defense, the Secretary of Agriculture, the Secretary of Health and Human Services, the Secretary of Veterans Affairs, the Administrator of the Environmental Protection Agency, and the Director of the National Science Foundation.

Sec. 3. *Further Integrating Women's Health Research in Federal Research Programs.* (a) Building on research and data standards issued by the NIH in 2016, agency Members of the Initiative shall consider actions to develop or strengthen research and data standards that enhance the study of women's health across all relevant, federally funded research and other Federal funding opportunities. Agency Members of the Initiative shall consider issuing new guidance, application materials, reporting requirements, and research dissemination strategies to advance the study of women's health, including to:

(i) require applicants for Federal research funding, as appropriate, to explain how their proposed study designs will consider and advance our knowledge of women's health, including through the adoption of standard application language;

(ii) consider women's health, as appropriate, during the evaluation of research proposals that address medical conditions that may affect women differently or disproportionately;

(iii) improve accountability for grant recipients, including, as appropriate, by requiring regular reporting on their implementation of, and compliance with, research and data standards related to women's health, including compliance with recruitment milestones; and

(iv) improve the recruitment, enrollment, and retention of women in clinical trials, including, as appropriate, by reducing barriers through technological and data sciences advances.

(b) Within 30 days of the date of this order, the Chair of the Initiative and the Director of the NIH Office of Research on Women's Health, in consultation with the Director of the Office of Management and Budget (OMB), shall establish and co-chair a subgroup of the Initiative to promote interagency alignment and consistency in the development of agency research and data standards to enhance the study of women's health.

(c) Within 90 days of the date of this order, agency Members of the Initiative shall report to the Chair of the Initiative on actions taken to strengthen research and data standards to enhance the study and analysis of women's health and related conditions.

(d) Within 180 days of the date of this order and on an annual basis thereafter, agency Members of the Initiative shall report to the President on the status of implementation of research and data standards.

Sec. 4. *Prioritizing Federal Investments in Women's Health Research.* (a) Agency Members of the Initiative shall identify and, as appropriate and consistent with applicable law, prioritize grantmaking and other awards to advance women's health research, with an emphasis on:

(i) promoting collaborative, interdisciplinary research across fields and areas of expertise;

(ii) addressing health disparities and inequities affecting women, including those related to race, ethnicity, age, socioeconomic status, disability, and exposure to environmental factors and contaminants that can directly affect health; and

(iii) supporting the translation of research advancements into improved health outcomes.

(b) Agency Members of the Initiative shall take steps to promote the availability of federally funded research and other Federal funding opportunities to advance women's health, including through the development and inclusion of standard language related to women's health, as appropriate, in all relevant notices of funding opportunity and through better facilitating potential grant applicants' access to information about funding opportunities related to women's health research.

(c) To advance innovation, commercialization, and risk mitigation, agency Members of the Initiative shall:

(i) identify and, as appropriate and consistent with applicable law, seek ways to use innovation funds, challenges, prizes, and other mechanisms to spur innovation in women's health;

(ii) invest in innovation to accelerate women's health research, including through or in collaboration with the Advanced Research Projects Agency for Health and the Congressionally Directed Medical Research Programs;

(iii) support the role of small businesses and entrepreneurs in advancing innovation in women's health research, including through Small Business Innovation Research Programs and Small Business Technology Transfer Programs; and

(iv) invest in translational science to convert research findings and discoveries into treatments and interventions that improve women's health outcomes and reduce health disparities, including through the Department of Agriculture National Institute of Food and Agriculture research programs.

(d) In implementing section 8(b) of Executive Order 14110 of October 30, 2023 (Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence), the Secretary of Health and Human Services, in consultation with the Director of the National Science Foundation, shall consider the opportunities for and challenges that affect women's health research in the responsible deployment and use of artificial intelligence (AI) and AI-enabled technologies in the health and human services sector.

Sec. 5. *Galvanizing Research on Women's Midlife Health.* (a) Within 90 days of the date of this order, to address research gaps in understanding women's health and diseases and conditions associated with women's midlife and later years, the Secretary of Health and Human Services shall:

(i) launch a comprehensive assessment of the current state of the science on menopause to develop an evidence-based research agenda that will guide Federal and private sector investments in menopause-related research;

(ii) evaluate evidence-based interventions and strategies to improve women's experiences in the menopausal and perimenopausal periods, including the delivery of treatments for women experiencing menopause in clinical care settings;

(iii) consider developing new common data elements and survey tools to expand the ethical and equitable collection of data on issues related to women's midlife health; and

(iv) develop new comprehensive resources to help ensure that the public has evidence-based information about menopause, including menopause-related research initiatives, findings, and symptom-prevention and treatment options.

(b) The Secretary of Defense and the Secretary of Veterans Affairs shall evaluate the needs of women service members and veterans related to midlife health and shall develop recommendations to support improved treatment and targeted research of midlife health issues, including menopausal symptoms.

Sec. 6. *Assessing Unmet Needs to Support Women's Health Research.* The Director of OMB and the Assistant to the President and Director of the Gender Policy Council (Directors) shall lead an effort, in collaboration with the Initiative, to identify current gaps in Federal funding for women's health research and shall submit recommendations to the President describing the additional funding and programming necessary to catalyze research on women's health, including in priority areas within women's health as identified by the Initiative, as follows:

(a) Within 90 days of the date of this order, the Directors shall, in consultation with the Initiative, develop guidance for assessing additional funding that agencies need to close research gaps in women's health.

(b) Within 180 days of the date of this order, Members of the Initiative shall consult the guidance described in subsection (a) of this section and shall each submit a report to the Directors that identifies the funding needed to catalyze research on women's health.

(c) Based on the reports described in subsection (b) of this section, the Directors shall develop and submit recommendations to the President on steps the Federal Government should take to catalyze research on women's health. These recommendations shall identify any statutory, regulatory, budgetary, or other changes that may be necessary to ensure that Federal laws, policies, practices, and programs support women's health research more effectively.

(d) Following the submission of the recommendations described in subsection (c) of this section, each Member of the Initiative shall report annually to the Directors on progress made in response to those recommendations and to improve the study of women's health. The Director of OMB shall provide a summary of Members' progress and any new recommendations to the President on an annual basis, consult with each Member on their women's health research funding needs during the annual budget process, and calculate Federal funding for women's health research on an annual basis.

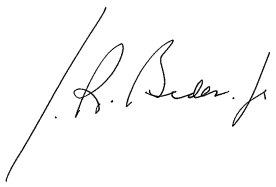
Sec. 7. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(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 18, 2024.

[FR Doc. 2024–06123
Filed 3–20–24; 8:45 am]
Billing code 3395–F4–P

Rules and Regulations

Federal Register
Vol. 89, No. 56
Thursday, March 21, 2024

DEPARTMENT OF HOMELAND SECURITY

8 CFR Parts 103, 106, 204, 212, 214, 240, 244, 245, 245a, 264, and 274a

[CIS No. 2687–21; DHS Docket No. USCIS 2021–0010]

RIN 1615–AC68

U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements; Correction

AGENCY: U.S. Citizenship and Immigration Services (USCIS), Department of Homeland Security (DHS).

ACTION: Final rule; correction.

SUMMARY: USCIS is correcting a final rule that appeared in the **Federal Register** on January 31, 2024. The final rule amended DHS regulations to adjust certain immigration and naturalization benefit request fees charged by USCIS and made certain changes.

DATES: Effective April 1, 2024.

FOR FURTHER INFORMATION CONTACT: Carol Cribbs, Deputy Chief Financial Officer, U.S. Citizenship and Immigration Services, Department of Homeland Security, 5900 Capital Gateway Dr., Camp Springs, MD 20746; telephone 240–721–3000 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

On January 31, 2024, the Department of Homeland Security (DHS) published a final rule in the **Federal Register** at 89 FR 6194 changing immigration and naturalization benefit request fees charged by U.S. Citizenship and Immigration Services (USCIS), fee exemptions and fee waiver requirements, premium processing time limits, and intercountry adoption processing (FR Doc. 2024–01427). After review of the published document, DHS identified a few errors in the preamble and regulatory text.

In the final rule, there were a number of technical and typographical errors that are identified and corrected by the Correction of Errors and Technical Amendments section of this correcting document. The provisions in this correcting document are effective as if they had been included in the final rule document that appeared in the January 31, 2024, **Federal Register**.

Accordingly, the corrections are effective on April 1, 2024, at 12 a.m. Eastern Time. This document, and the corrections included in this document, do not change how DHS will apply the final rule; *i.e.,* DHS will apply the corrected final rule only to applications and petitions postmarked (or, if applicable, submitted electronically) on or after April 1, 2024. Applications and petitions already pending with USCIS on April 1, 2024, (*i.e.,* postmarked before April 1, 2024) will not be subject to the final rule.

II. Summary and Explanation of Corrections

A. Fee Exemptions and Waivers

As discussed in the preamble, the final rule expands fee exemptions for certain filing categories.[1] DHS identified a number of places where these fee exemptions were not accurately contained in either the preamble or regulatory text:

Form I–765, Application for Employment Authorization

The final rule created fee exemptions for a renewal or replacement Form I–765, Application for Employment Authorization, when filed by the following groups:

- Persons seeking or granted special immigrant visa or status as an Afghan or Iraqi translator or interpreter, Iraqi nationals employed by or on behalf of the U.S. Government, Afghan nationals employed by or on behalf of the U.S. Government or employed by the International Security Assistance Force (ISAF), and their derivatives.[2]
- Abused spouses and children of U.S. citizens and lawful permanent residents seeking cancellation of removal under INA 240A(b)(2), 8 U.S.C. 1229b(b)(2).[3]
- Current and former U.S. armed forces service members.[4]

The final rule's summary of changes (II.C), Tables 5B and 5C, and supporting documents all confirm these additional fee exemptions. However, DHS inadvertently omitted the exemptions for the above groups in the regulatory text, which only listed the fee exemptions for an initial I–765 as was provided in the proposed rule.[5] Therefore, DHS corrects the regulatory text portion of the final rule, 8 CFR 106.2(a)(44)(iv)(E) (on page 6389, first column); 8 CFR 106.3(b)(3)(vi) (on page 6392, third column); and 8 CFR 106.3(b)(8)(i) (on page 6393, second column), to provide that a replacement or renewal Form I–765 is fee exempt for the groups identified above.

Form I–290B, Notice of Appeal or Motion

The fee for Form I–290B is waivable for any benefit where the underlying form fee is free or waived.[6] However, in the preamble DHS inadvertently omitted a fee waiver for Form I–765V, Application for Employment Authorization for Abused Nonimmigrant Spouse, in Table 5C.[7] Therefore, in Table 5C in the preamble (page 6230) in the row entitled ''Abused Spouses of A, E–3, G, and H Nonimmigrants,'' DHS adds the text ''Form I–290B'' to the third column to indicate that a requester can submit a request to waive the fee for filing a motion to reopen or reconsider the denial of their I–765V.

Form I–601A, Application for Provisional Unlawful Presence Waiver

The final rule also created an additional fee exemption for Form I–601A, Application for Provisional Unlawful Presence Waiver, when filed by a person seeking or granted Special Immigrant Juvenile (SIJ) classification.[8]

[1] *See* 89 FR at 6196; *id.* at 6212–32.

[2] *See* 89 FR at 6214; *id.* at 6227–32, Tables 5B, 5C; RIA Tables 46, 47.

[3] *See* 89 FR at 6214; *id.* at 6227–32, Tables 5B, 5C; RIA Tables 46, 47.

[4] *See* 89 FR at 6214; *id.* at 6227–32, Tables 5B, 5C; RIA Tables 46, 47.

[5] *Cf.* 88 FR 402, 592–95 (Jan. 4, 2023) (proposed 8 CFR 106.2(a)(43)(v), (b)(3)(vi), (b)(8)(ii)).

[6] *See* 8 CFR 106.3(a)(3)(ii)(D); *see also* 8 CFR 106.3(a)(3)(iii).

[7] *See* 89 FR 6230.

[8] *See* 89 FR 6214 (''DHS also provides a fee exemption for SIJs filing Form I–601A . . . .''); Table 5B; RIA Tables 46, 47.

However, DHS inadvertently omitted this fee exemption from the regulatory text and Table 5C. Therefore, in Table 5C in the preamble (on page 6231), in the row entitled ''SIJs,'' DHS is adding the text ''Form I–601A'' to the second column. In the regulatory text portion of the final rule, DHS adds 8 CFR 106.3(b)(1)(vii) (on page 6392) in the first column to indicate that Form I–601A is fee exempt for persons seeking or granted SIJ classification.

Adoption Fees

The final rule provides fee exemptions for adoption-related forms and summarizes the new exemptions in Table 7: Adoption Fees.[9] However, this table was mistakenly referred to as ''Table 8'' in the preamble.[10] DHS corrects the preamble on page 6307, third column, of the final rule to include proper reference to Table 7.

Special Rule Cancellation of Removal

The final rule allows persons to request a waiver of any fee associated with a request for special rule cancellation of removal as a spouse or child that has been battered or subjected to extreme cruelty.[11] The regulation text cites 8 U.S.C. 1229(b)(2) as the statute for this underlying benefit; however, the proper statutory citation is 8 U.S.C. 1229b(b)(2). The final rule mistakenly repeats a typo that originated in the proposed rule.[12] Therefore, DHS corrects the regulatory text, 8 CFR 106.3(a)(3)(iii) (on page 6392, first column) with the proper legal citation for special rule cancellation of removal for spouses and children who have been battered or subjected to extreme cruelty.[13]

B. Online Filing Fee for Form I–539, Application To Extend/Change Nonimmigrant Status

In the preamble, DHS incorrectly stated the final online filing fee for Form I–539, Application to Extend/Change Nonimmigrant Status. The final rule preamble stated that the Form I–539 fee for paper filing was $470 and the online filing fee was also $470.[14] While DHS used the paper filing fee twice in the same sentence, it meant to include the $50 discount for online filing, making the Form I–539 fee $420 when filed online.[15] DHS used the correct online filing fee of $420 elsewhere in the preamble, including Table 1.[16] In the regulatory text, DHS did not exempt Form I–539 from the online filing discount.[17] DHS corrects the preamble of the final rule on page 6329, second column, to include the proper online filing fee for Form I–539.[18]

C. Corrections to Final Regulatory Flexibility Analysis Tables

DHS corrects three tables in the Final Regulatory Flexibility Analysis section of the preamble. DHS identified that the note under Table 12b, in the preamble, on page 6362, inadvertently states the CNMI Educational Fund fee is $30.[19] The note should have stated that the CNMI Educational Fund fee is $210. This correction does not impact the analysis of the regulation.

DHS corrects two rows in both Table 15 on page 6365, and Table 17 on page 6366. The dollar amount in the columns A through F in the row labeled ''L–1A/L–1B/LZ Blanket'' and the dollar amounts in columns A through F in the row labeled O–1/O–2 petitions were transposed in both tables. The correct amounts are shown in Table 1 on page 6198 of the final rule. These corrections do not impact the analysis of the regulation.

D. Definition of Nonprofits

DHS defined the term ''nonprofit'' on page 6386, column 2, in the final rule to offer discounts to the Asylum Program Fee and Form I–129, Petition for Nonimmigrant Worker, and Form I–129CW, Petition for a CNMI-Only Nonimmigrant Transitional Worker.[20] DHS intended to administer the discount for petitioners in the final rule consistent with the discount provided from the American Competitiveness and Workforce Improvement Act (ACWIA).[21] As stated in the final rule preamble, the INA provides for a reduced ACWIA fee if a petitioner is a primary or secondary education institution, an institution of higher education, as defined in section 1001(a) of title 20, a nonprofit entity related to or affiliated with any such institution, a nonprofit entity which engages in established curriculum-related clinical training of students registered at any such institution, a nonprofit research organization, or a governmental research organization.[22] The INA does not define ''nonprofit'' in terms of the Internal Revenue Code (IRC) and the definitions of ''institution of higher education'' and ''government research organization'' in 8 CFR 214.2(h)(19)(iv)(B) are not tied to the IRC. However, DHS inadvertently omitted educational organizations from the definition in 8 CFR 106.1(f)(2). In this correction, DHS clarifies the definition to include not-for-profit primary or secondary educational institutions, or institutions of higher education, as defined in section 101(a) of the Higher Education Act of 1965, 20 U.S.C. 1001(a). This correction is consistent with the preamble and DHS' intent.[23]

E. Online Filing Fee for Small Employers and Nonprofits

The final rule implements various discounted fees, sometimes with exceptions. For example, DHS provides discounted fees to small employers and nonprofits for Forms I–129 and I–129CW and the Asylum Program Fee.[24] DHS also revised the range of online filing fees that were in the proposed rule to instead use a $50 discount for online filing in most cases.[25] DHS made exceptions to the $50 discount in limited circumstances, like when the form fee is already provided at a substantial discount or USCIS is prohibited by law from charging a full cost recovery level fee.[26]

DHS did not intend for customers to combine both the discounts for online filing and for small employer and nonprofit fees. DHS applies the same definition of small employers and nonprofits to both the Asylum Program Fee and the fees for Forms I–129 and I–129CW.[27] The preamble and regulatory text specify that the online filing discount does not apply to the H–1B registration fee and the Asylum Program Fee.[28] DHS did not intend to apply online filing discount in addition to providing small employer and nonprofit discounts for the fees for Forms I–129 and I–129CW. Various statements and tables in the preamble and supporting documentation support this assertion. Table 1 in the preamble lists online and paper filing fees for various benefit requests as well as the full fee and small employer and nonprofit fees for Forms I–129 and I–129CW, but it does not list

[9] *See* 89 FR 6308.

[10] *See* 89 FR at 6307 (''A summary of the new exemptions is listed in Table 8 below.'')

[11] *See* 8 CFR 106.3(a)(3)(iii); 89 FR at 6392.

[12] *See* 88 FR at 594.

[13] *See* 88 FR at 6392, first column.

[14] *See* 89 FR 6329, second column.

[15] *See* 8 CFR 106.1(g).

[16] *See, e.g.,* 89 FR 6200–6201.

[17] *See* 8 CFR 106.2(a)(26).

[18] *See* 89 FR 6329, second column.

[19] *See* 89 FR at 6362.

[20] *See* 89 FR 6209–6210, 8 CFR 106.1(f)(2).

[21] 89 FR 6209–10.

[22] *Id.;* INA section 214(c)(9)(A), 8 U.S.C. 1184(c)(9)(A).

[23] See 8 CFR 214.2(h)(19)(iii).

[24] *See* 89 FR 6195–6196, 6208–6210, 6196, 8 CFR 106.2(a)(3), 8 CFR 106.2(a)(4), 8 CFR 106.2(c)(13).

[25] *See, e.g.,* 89 FR 6196, 6211–6212.

[26] *See, e.g.,* 89 FR 6211, 8 CFR 106.2(a)(7)(vi), 8 CFR 106.2(a)(50)(iv).

[27] *See, e.g.,* 89 FR 6195–6196, 6208–6210, 6291, 8 CFR 106.1(f). DHS clarifies the definition of small employer and nonprofit elsewhere in this notice.

[28] *See* 8 CFR 106.2(c)(11)(iii), 8 CFR 106.2(c)(13)(iii).

rows that combine both discounts.[29] In Table 5 of the Regulatory Impact Analysis, DHS identifies paper filing and online filing fees for various benefit requests and Form I–129 rows do not have this distinction.[30] The same table does have the distinct fees for small employers and nonprofits filing Form I–129.

DHS corrects the final rule to clarify the $50 online filing discount does not apply to the small employer and nonprofit petitions fees for Forms I–129, I–129CW and the Asylum Program Fee by amending 8 CFR 106.2(a)(3); adding 8 CFR 106.2(a)(3)(xi) to state, ''The online filing discount in § 106.1(g) does not apply to the fee for small employers and nonprofits in paragraphs (a)(3)(i), (a)(3)(iii), (a)(3)(v), and (a)(3)(ix) of this section.''; and clarifying 8 CFR 106.2(a)(4)(ii).

F. Fee for Form I–129CW for a Small Employer and Nonprofit

As discussed in the preamble to the final rule, for nonprofits and businesses with 25 or fewer FTE employees (including any affiliates and subsidiaries) filing Forms I–129 and I–129CW for the applicable nonimmigrant classification, DHS is setting the fee at either the current $460 fee or half of the new fee whichever is higher.[31] The full fee for Form I–129CW is $1,015.[32] Half of $1,015 rounded to the nearest $5 is $510.

The final rule for filing Form I–129CW listed a small employer and nonprofit fee of $510 in various text and tables in the final rule preamble.[33] Various supporting documents in the docket likewise list the fee as $510. For example, Tables 5 and 27 of the Regulatory Impact Analysis (RIA) for the final rule lists the small employers and nonprofits fee for Form I–129CW as $510.[34] Likewise, Table 6 of the supporting documentation for the final rule lists the small employers and nonprofits fee for Form I–129CW as $510.[35] However, the regulatory text for Form I–129CW inadvertently listed the prior fee which was $460 at 8 CFR 106.2(a)(4)(ii). Therefore, DHS corrects the regulatory text portion of the final rule on page 6387, column 1, 8 CFR 106.2(a)(4)(ii), to indicate that small employers and nonprofits must submit a fee of $510 with Form I–129CW.

G. References to Form Instructions

As stated in the final rule, USCIS is removing fee, fee waiver, fee exemption, and fee payment information from the individual information collection (IC) instructions by consolidating it into the USCIS Form G–1055, Fee Schedule, and placing it online on the USCIS website *www.uscis.gov*.[36] Form instructions will no longer list fees. However, DHS inadvertently provided regulatory text in parts of the final rule that stated or implied that the form instructions would include fees. For example, the final rule provided that the fraud detection and prevention fee for filing certain H–1B and L petitions as described in 8 U.S.C. 1184(c) ''and USCIS form instructions'' was $500. 89 FR 6391. Therefore, DHS corrects the regulatory text portion of the final rule to remove ''and USCIS form instructions'' and similar language indicating that the form instructions will contain fee information in the following places: (1) Page 6391, in the first column, 8 CFR 106.2 (c)(4); (2) Page 6391, in the first column, 8 CFR 106.2(c)(5)(i); (3) Page 6391, in the first column, 8 CFR 106.2 (c)(5)(ii); (4) Page 6391, in the first column, in 8 CFR 106.2(c)(6); (5) Page 6398, in the second column, 8 CFR 214.2 (w)(5). The reference to form instructions is not removed in 8 CFR(c)(7), on page 6391, first column, because the CNMI education funding fee will be included in the form instructions for Form I–129CW.

H. H–1B Registration Fee Regulatory Text

DHS exempted the H–1B Registration Fee from the $50 online filing discount in the regulatory text.[37] However, it created an unnecessary third level paragraph without a (i) or (ii) preceding the (iii) at 8 CFR 106.2(c)(11)(iii). As such, DHS corrects the regulatory text to add the text from the third level at 8 CFR 106.2(c)(11)(iii) to the second level at 8 CFR 106.2(c)(11).

I. Form I–800 Fee Regulatory Text

As discussed in the preamble to the final rule, DHS is setting the fee for Form I–800, Petition to Classify Convention Adoptee as an Immediate Relative, at $920, unless an exemption applies. *See e.g.,* 89 FR 6311 (Table 7). However, the regulatory text at 8 CFR 106.2(a)(46) on page 6389, second column, inadvertently left blank the fee amount for this form. DHS corrects the final rule to indicate the fee for Form I–800 by amending the introductory paragraph to 8 CFR 106.2(a)(46) to state, ''For filing a petition to classify a Convention adoptee as an immediate relative: $920.''

III. Administrative Procedure Act

Section 553(b) of the Administrative Procedure Act (APA) generally requires agencies to publish a notice of proposed rulemaking in the **Federal Register** to provide a period for public comment before the provisions of a rule take effect. 5 U.S.C. 553(b). In addition, section 553(d) of the APA requires agencies to delay the effective date of final rules by a minimum of 30 days after the date of their publication in the **Federal Register**. 5 U.S.C. 553(d). Both of these requirements can be waived if an agency finds, for good cause, that the notice and comment process and/or delayed effective date is impracticable, unnecessary, or contrary to the public interest, and incorporates a statement of the finding and the reasons therefore in the notice. 5 U.S.C. 553(b)(B), (d)(3).

DHS believes there is good cause for publishing this correction document without prior notice and opportunity for public comment and with an effective date of less than 30 days because DHS finds that such procedures are unnecessary. This document corrects technical and typographic errors in the preamble (including tables) and regulatory text, but does not make substantive changes to the policies that were adopted in the final rule. This document merely conforms erroneous portions of the final rule to the agency's clearly expressed contemporaneous intent. As a result, this correcting document's sole function is to ensure that the information in the January 31, 2024 final rule accurately reflects the policies adopted in that final rule, prior to which DHS issued a notice of proposed rulemaking and received public comment. Therefore, DHS believes that it has good cause to waive the notice and comment and effective date requirements of section 553 of the APA.

[29] *See* 89 FR 6198–6204.

[30] See U.S. Citizenship and Immigr. Servs., U.S. Dep't of Homeland Security, Regulatory Impact Analysis (Jan. 2024), *https://www.regulations.gov/document/USCIS-2021-0010-8179.*

[31] *See* 8 CFR 106.2(a)(3)(i), (a)(3)(iii), (a)(3)(ix), and (a)(4)(ii). See 89 FR 6194, 6386–7.

[32] *See* 8 CFR 106.2(a)(4)(i); 89 FR at 6386–7. See also 89 FR at 6198, Table 1; 89 FR at 6362, Table 12b.

[33] *See, e.g.,* 89 FR at 6199, Table 1, 89 FR at 6362, Table 12b.

[34] *See* U.S. Citizenship and Immigr. Servs., U.S. Dep't of Homeland Security, Regulatory Impact Analysis (Jan. 2024), *https://www.regulations.gov/document/USCIS-2021-0010-8179.*

[35] *See* U.S. Citizenship and Immigr. Servs., U.S. Dep't of Homeland Security, Immigration Examinations Fee Account, Fee Review Supporting Documentation with Addendum (Nov. 2023), *https://www.regulations.gov/document/USCIS-2021-0010-8176.*

[36] *See* 89 FR 6383.

[37] *See* 89 FR 6391, 8 CFR 106.2(c)(11)(iii).

IV. Correction of Errors and Technical Amendments

Accordingly, the publication final rule at 89 FR 6194, (FR Doc. 2024–01427) is corrected as follows:

A. Correction of Errors in the Preamble

1. On page 6230, in Table 5C: Forms for Fee Waivers and Fee Exemptions, as of Effective Date of this Final Rule, the eighth row in the table labeled ''Abused spouses of A, E–3, G, and H Nonimmigrants'' and the third column (Fee Waiver Eligibility), Table 5C is corrected by removing ''Not applicable'' and inserting a new bullet reading ''• Form I–290B.''

2. On page 6231, in Table 5C: Forms for Fee Waivers and Fee Exemptions, as of Effective Date of this Final Rule, the tenth row in the table labeled, SIJs, and the second column (Fee Exemptions), Table 5C is corrected by inserting a new bullet reading ''• Form I–601A'' after the bullet reading ''• Form I–601.''

3. On page 6307, in the third column, line eight, the language ''Table 8 below'' is corrected by removing the number 8 and adding in its place the number 7.

4. On page 6329, in the second column, Section, e. Form I–539 Extend/Change Nonimmigrant Status, Response, line eight, remove the sentence ''For these reasons, this Final Rule lowers the proposed Form I–539 fee from $620 to $470 for paper filings, and from $525 to $470 for online filings.'' and add in its place a sentence to read: ''For these reasons, this Final Rule lowers the proposed Form I–539 fee from $620 to $470 for paper filings, and from $525 to $420 for online filings.''

5. On page 6362, Table 12b. Fee Summary Table for Form I–129 Petitioners (Matched Only), row 12, Note, in Table 12b of the table, is corrected by removing ''$30'' and adding its place ''$210.''

6. On page 6365, in Table 15, USCIS Final Fees for Form 1–129 Petition for Nonimmigrant Worker by Classification, for Small Entities with 25 or Fewer FTE Employees, correct the ninth and tenth rows of the table, labeled as ''L–1A/L–1B/LZ Blanket'' and ''O–1/O–2'', by removing the values in columns A through F of row nine labeled ''L–1A/L–1B/LZ Blanket'' and adding in their place the dollar amounts in columns A through F of the row labeled ''O–1/O–2'' and removing the dollar amounts in row ten labeled ''O–1/O–2'' with the dollar amounts in columns A through F of the row labeled ''L–1A/L–1B/LZ Blankets.'' The corrected rows read as follows:

L–1A/L–1B/LZ Blanket	$460	$695	$300	$995	$535	116.3%
O–1/O–2	$460	$530	$300	$830	$370	80.4%

7. On page 6366, in Table 17. USCIS Final Fees for Form 1–129 Petition for Nonimmigrant Worker by Classification, for Nonprofit Small Entities, correct the ninth and tenth rows of the table, labeled as ''L–1A/L–1B/LZ Blanket'' and ''O–1/O–2'', by moving all the values in row nine labeled ''L–1A/L–1B/LZ Blanket'' to row ten, labeled ''O–1/O–2'' and moving all the values in row ten labeled, ''O–1/O–2'' up to row nine, labeled ''L–1A/L–1B/LZ Blanket.''. The corrected rows read as follows:

L–1A/L–1B/LZ Blanket	$460	$695	$0	$695	$235	51.1%
O–1/O–2	$460	$530	$0	$530	$70	15.2%

B. Correction of Errors in the Regulatory Text

■ 1. On page 6386, in the second column, in instruction 7 in § 106.1, correct paragraph (f)(2) to read as follows:

§ 106.1 [Corrected]

* * * * *

(f) * * *

(2) Nonprofit means not-for-profit primary or secondary educational institutions, or institutions of higher education, as defined in section 101(a) of the Higher Education Act of 1965, 20 U.S.C. 1001(a); organizations organized as tax exempt under the Internal Revenue Code of 1986, section 501(c)(3), 26 U.S.C. 501(c)(3); or governmental research organizations as defined under 8 CFR 214.2(h)(19)(iii)(C).

* * * * *

■ 2. Starting on page 6386, in the third column, in instruction 7 correct § 106.2 by:

■ a. Adding paragraph (a)(3)(xi);

■ b. On page 6387, in the first column, correcting paragraph (a)(4)(ii);

■ c. On page 6389, in the second column, adding paragraph (a)(44)(iv)(E);

■ d. Revising paragraph (a)(46) introductory text;

■ e. On page 6391, in the first column, in paragraph (c)(4) removing the words ''and USCIS form instructions''.

■ f. On page 6391, in the first column, in paragraph (c)(5)(i) removing the words ''and USCIS form instructions''.

■ g. On page 6391, in the first column, in paragraph (c)(5)(ii) removing the words ''and USCIS form instructions''.

■ h. On page 6391, in the first column, in paragraph (c)(6) removing the words ''and USCIS form instructions''.

■ i. On page 6391, in the second column, revising paragraph (c)(11).

The additions and revisions read as follows:

§ 106.2 [Corrected]

(a) * * *

(3) * * *

(xi) The online filing discount in § 106.1(g) does not apply to the fee for small employers and nonprofits in paragraphs (a)(3)(i), (a)(3)(iii), (a)(3)(v), and (a)(3)(ix) of this section.''

(4) * * *

(ii) For small employers and nonprofits: $510. For the Semiannual Report for CW–1 Employers (Form I–129CWR): No fee. The online filing discount in § 106.1(g) does not apply.

* * * * *

(44) * * *

(iv) * * *

(E) Current or former U.S. armed forces service members.

* * * * *

(46) *Petition to Classify Convention Adoptee as an Immediate Relative, Form I–800.* For filing a petition to classify a Convention adoptee as an immediate relative: $920.

* * * * *

(c) * * *

(11) Registration requirement for petitioners seeking to file H–1B petitions on behalf of cap-subject aliens. For each registration submitted to register for the H–1B cap or advanced degree exemption selection process: $215. This fee is not subject to the online discount provided in § 106.1(g).

* * * * *

■ 3. Starting on page 6392, in the first column, in instruction 7, correct § 106.3 by:
■ a. In paragraph (a)(3)(iii) removing the citation to ''8 U.S.C. 1229(b)(2) and adding in its place the citation ''8 U.S.C. 1229b(b)(2)'';
■ b. On page 6392, in the second column, adding paragraph (b)(1)(vii);
■ c. On page 6392, in the third column, in paragraph (b)(3)(vi) removing the word ''initial'';
■ d. On page 6393, in the second column, in paragraph (b)(8)(i) removing the words ''for their initial request''.

The addition reads as follows:

§ 106.3 [Corrected]

* * * * *

(b)

(1)

(vii) Application for Provisional Unlawful Presence Waiver (Form I–601A).

* * * * *

§ 214.2 [Corrected]

■ 4. On page 6398, in the second column, in § 214.2, paragraph (w)(5) is corrected by removing the words ''the form instructions and''.

Christina E. McDonald,

Associate General Counsel for Regulatory Affairs, Department of Homeland Security.

[FR Doc. 2024–05935 Filed 3–19–24; 4:15 pm]

BILLING CODE 9111–97–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2024–0860; Airspace Docket No. 24–ASO–9

RIN 2120–AA66

Establishment of Class E Airspace; Milton, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace that was inadvertently removed for Whiting Field Naval Air Station, Milton, FL.

DATES: Effective 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: This final rule may be viewed online at *www.regulations.gov* using the FAA Docket number. Electronic retrieval help and guidelines are available on the website. It is available 24 hours a day, 365 days a year.

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it establishes Class E airspace extending upward from 700 feet above the surface for Whiting Field Naval Air Station, Milton, FL. The FAA inadvertently removed this airspace in a previous action.

Incorporation by Reference

Class E airspace is published in paragraph 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, incorporated by reference in 14 CFR 71.1 annually. 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 FAA Order JO 7400.11 update. FAA Order JO 7400.11H lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to 14 CFR part 71 establishes Class E airspace extending upward from 700 feet above the surface for Whiting Field Naval Air Station, Milton, FL, as this airspace was inadvertently removed in a previous action. Controlled airspace is necessary for the area's safety and management of instrument flight rules (IFR) operations.

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation

Administration Order JO 7400.11H, Airspace Designations and Reporting Points, dated August 11, 2023, and effective September 15, 2023, is amended as follows:

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

* * * * *

ASO FL E5 Milton, FL [Established]

Whiting Field Naval Air Station, FL
(Lat 30°42′41″ N, long 87°01′30″ W)

That airspace extending upward from 700 feet or more above the surface within a 10-mile radius of Whiting Field Naval Air Station.

* * * * *

Issued in College Park, Georgia, on March 15, 2024.

Andreese C. Davis,

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

[FR Doc. 2024–05865 Filed 3–20–24; 8:45 am]

BILLING CODE 4910–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Parts 1264 and 1271

[NASA Document Number: NASA–24–019]

RIN 2700–AE73

Implementation of the Federal Civil Penalties Inflation Adjustment Act and Adjustment of Amounts for 2024

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: The National Aeronautics and Space Administration (NASA) has adopted a final rule making inflation adjustments to civil monetary penalties within its jurisdiction. This final rule represents the annual 2024 inflation adjustments of monetary penalties. These adjustments are required by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015.

DATES: This final rule is effective March 21, 2024.

FOR FURTHER INFORMATION CONTACT: Bryan R. Diederich, Office of the General Counsel, NASA Headquarters, (202) 358–0216.

SUPPLEMENTARY INFORMATION:

I. Background

The Inflation Adjustment Act, as amended by the 2015 Act, required Federal agencies to adjust the civil penalty amounts within their jurisdiction for inflation by July 1, 2016. Subsequent to the 2016 adjustment, Federal agencies were required to make an annual inflation adjustment by January 15 every year thereafter.[1] Under the amended Act, any increase in a civil penalty made under the Act will apply to penalties assessed after the increase takes effect, including penalties whose associated violation predated the increase.[2] The inflation adjustments mandated by the Act serve to maintain the deterrent effect of civil penalties and to promote compliance with the law.

Pursuant to the Act, adjustments to the civil penalties are required to be made by January 15 of each year. The annual adjustments are based on the percent change between the United States Department of Labor's Consumer Price Index for All Urban Consumers (CPI–U) for the month of October preceding the date of the adjustment and the CPI–U for October of the prior year (28 U.S.C. 2461 note, section (5)(b)(1)). Based on that formula, the cost-of-living adjustment multiplier for the 2024 adjustment is 1.03241. Pursuant to the 2015 Act, adjustments are rounded to the nearest dollar.

II. The Final Rule

This final rule makes the required adjustments to civil penalties for 2024. Applying the 2024 multiplier above, the adjustments for each penalty are summarized below.

Law	Penalty description	2023 Penalty	Penalty adjusted for 2024
Program Fraud Civil Remedies Act of 1986	Maximum Penalties for False Claims	$13,508	$13,946
Department of the Interior and Related Agencies Appropriations Act of 1989, Public Law 101–121, sec. 319.	Minimum Penalty for use of appropriated funds to lobby or influence certain contracts.	23,727	24,496
Department of the Interior and Related Agencies Appropriations Act of 1989, Public Law 101–121, sec. 319.	Maximum Penalty for use of appropriated funds to lobby or influence certain contracts.	237,268	244,958
Department of the Interior and Related Agencies Appropriations Act of 1989, Public Law 101–121, sec. 319.	Minimum penalty for failure to report certain lobbying transactions.	23,727	24,496
Department of the Interior and Related Agencies Appropriations Act of 1989, Public Law 101–121, sec. 319.	Maximum penalty for failure to report certain lobbying transactions.	237,268	244,958

This rule codifies these civil penalty amounts by amending parts 1264 and 1271 of title 14 of the CFR.

III. Legal Authority and Effective Date

NASA issues this rule under the Federal Civil Penalties Inflation Adjustment Act of 1990,[3] as amended by the Debt Collection Improvement Act of 1996,[4] and further amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015,[5] which requires NASA to adjust the civil penalties within its jurisdiction for inflation according to a statutorily prescribed formula.

Section 553 of title 5 of the United States Code generally requires an agency to publish a rule at least 30 days before its effective date to allow for advance notice and opportunity for public comments.[6] After the initial adjustment

[1] *See* 28 U.S.C. 2461 note.

[2] Inflation Adjustment Act section 6, *codified at* 28 U.S.C. 2461 note.

[3] Public Law 101–410, 104 Stat. 890 (1990).

[4] Public Law 104–134, section 31001(s)(1), 110 Stat. 1321, 1321–373 (1996).

[5] Public Law 114–74, section 701, 129 Stat. 584, 599 (2015).

[6] *See* 5 U.S.C. 533(d).

for 2016, however, the Civil Penalties Inflation Adjustment Act requires agencies to make subsequent annual adjustments for inflation ''notwithstanding section 553 of title 5, United States Code.'' Moreover, the 2024 adjustments are made according to a statutory formula that does not provide for agency discretion. Accordingly, a delay in effectiveness of the 2024 adjustments is not required.

IV. Regulatory Requirements

Executive Orders 12866 and 13563

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

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required, the Regulatory Flexibility Act does not require an initial or final regulatory flexibility analysis.[7]

Paperwork Reduction Act

No collections of information pursuant to the Paperwork Reduction Act are contained in the final rule.

List of Subjects in 14 CFR Parts 1264 and 1271

Claims, Lobbying, Penalties.

For the reasons stated in the preamble, NASA amends 14 CFR parts 1264 and 1271 as follows:

PART 1264—IMPLEMENTATION OF THE PROGRAM FRAUD CIVIL PENALTIES ACT OF 1986

■ 1. The authority citation for part 1264 continues to read as follows:

Authority: 31 U.S.C. 3809, 51 U.S.C. 20113(a).

§ 1264.102 [Amended]

■ 2. In § 1264.102, remove the number ''$13,508'' wherever it appears and add in its place the number ''$13,946.''

[7] 5 U.S.C. 603(a), 604(a).

PART 1271—NEW RESTRICTIONS ON LOBBYING

■ 3. The authority citation for part 1271 continues to read as follows:

Authority: Section 319, Pub. L. 101–121 (31 U.S.C. 1352); Pub. L. 97–258 (31 U.S.C. 6301 *et seq.*)

§ 1271.400 [Amended]

■ 4. In § 1271.400:
■ a. In paragraphs (a) and (b), remove the text ''not less than $23,727 and not more than $237,268'' and add in its place the text ''not less than $24,496 and not more than $244,958.''
■ b. In paragraph (e), remove ''$23,727'' wherever it appears and add in its place ''$24,496'' and remove ''$237,268'' and add in its place ''$244,958.''

Appendix A to Part 1271 [Amended]

■ 5. In appendix A to part 1271:
■ a. Remove the number ''$23,727'' wherever it appears and add in its place the number ''$24,496.''
■ b. Remove the number ''$237,268'' wherever it appears and add in its place the number ''$244,958.''

Nanette Smith,

Team Lead, NASA Directives and Regulations.

[FR Doc. 2024–05999 Filed 3–20–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 740, 744 and 746

[Docket No. 240308–0076]

RIN 0694–AI82

Export Administration Regulations End-User Controls: Imposition of Restrictions on Certain Persons Identified on the List of Specially Designated Nationals and Blocked Persons (SDN List)

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

ACTION: Final rule.

SUMMARY: In this final rule, the Bureau of Industry and Security (BIS) makes changes to the end-user controls of the Export Administration Regulations (EAR) to add end-user controls, and in certain cases expand existing end-user controls, on certain persons identified on the List of Specially Designated Nationals and Blocked Persons (SDN List) maintained by the Department of the Treasury's Office of Foreign Assets Control (OFAC).

DATES: This rule is effective on March 21, 2024.

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

For emails, include ''EAR requirements for SDNs'' in the subject line.

SUPPLEMENTARY INFORMATION:

I. Background

The U.S. Government has a number of list-based tools to restrict economic activities of individuals and entities to protect U.S. national security or foreign policy interests. BIS employs end-user controls under the Export Administration Regulations (EAR), 15 CFR parts 730–774, including the Entity List (Supplement No. 4 to part 744 of the EAR), to impose license requirements for the export, reexport, and transfer (in-country) of items subject to the EAR. End-user requirements and Entity List additions allow for the monitoring of items subject to the EAR, including less-sensitive items. In the context of the Entity List, BIS maintains stringent license review policies and restrictions on the use of EAR license exceptions specific to each listed entity.

The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) maintains the List of Specially Designated Nationals and Blocked Persons (SDN List) to identify persons whose property or interests in property that are or come within the United States or in the possession or control of U.S. persons, wherever located, are blocked (see appendix A to 31 CFR chapter V and *https://www.treas.gov/sdn*). These targeted economic sanctions tools enable the U.S. Government to escalate economic pressure and promote deterrence while mitigating unintended economic effects on the United States and our partners and allies.

After reviewing categories of end users and global activities that implicate both financial and export control concerns, BIS has determined to implement EAR license requirements for all items subject to the EAR for all persons blocked under eleven OFAC-administered sanctions programs. BIS will also continue to apply license requirements involving all items subject to the EAR in connection with persons sanctioned under three OFAC-administered sanctions programs. The EAR restrictions involving these

fourteen OFAC-administered sanctions programs serve as a force multiplier and complement OFAC's blocking sanctions, which prohibit all transactions by U.S. persons or within (or transiting) the United States that involve any property or interests in property of designated or blocked persons, unless authorized by a general or specific license issued by OFAC, or exempt.

The imposition of these EAR license requirements for exports, reexports, and transfers (in-country) allows for the EAR controls to act as a backstop for activities over which OFAC does not exercise jurisdiction, including deemed exports and deemed reexports, and for reexports and transfers (in-country) that would otherwise not involve U.S. persons (*e.g.,* U.S. financial institutions). Notably, the new license requirements allow for controls on items outside the United States, complementing the existing authority in many OFAC programs to impose blocking sanctions on persons who materially assist, sponsor, or provide financial, material, or technological support for, or goods or services to or in support of, SDNs, even outside of U.S. jurisdiction.

In this final rule, persons blocked under fourteen OFAC sanctions programs will be subject to stringent export controls under the EAR. Each program is listed below with the corresponding sanctions authority and program code or ''identifier,'' arranged by thematic program to assist understanding.

Related to Russia's invasion of Ukraine:

- Belarus Sanctions Regulations, 31 CFR part 548; Executive Order 13405 (OFAC program code or ''identifier'' [BELARUS]);
- Executive Order 14038 ([BELARUS–EO14038]);
- Russian Harmful Foreign Activities Sanctions Regulations 31 CFR part 587; Executive Order 14024 [RUSSIA–EO14024];
- Executive Order 13660 ([UKRAINE–EO13660]);
- Executive Order 13661 ([UKRAINE–EO13661]);
- Executive Order 13662 [UKRAINE–EO13662]; *and*
- Executive Order 13685 ([UKRAINE–EO13685]).

Related to terrorism:

- Foreign Terrorist Organizations Sanctions Regulations, 31 CFR part 597 [FTO]; *and*
- Global Terrorism Sanctions Regulations, 31 CFR part 594 [SDGT].

Related to WMD:

- Weapons of Mass Destruction Proliferators Sanctions Regulations, 31 CFR part 544 [NPWMD].

Related to narcotics trafficking or other criminal networks:

- Executive Order 14059 [ILLICIT DRUGS–EO14059];
- Narcotics Trafficking Sanctions Regulations, 31 CFR part 536 [SDNT];
- Foreign Narcotics Kingpin Sanctions Regulations, 31 CFR part 598 [SDNTK]; *and*
- Transnational Criminal Organizations Sanctions Regulations, 31 CFR part 590; Executive Order 13581 [TCO].

See *Program Tag Definitions for OFAC Sanctions Lists* for additional information: *https://ofac.treasury.gov/specially-designated-nationals-list-sdn-list/program-tag-definitions-for-ofac-sanctions-lists.*

Prior to this final rule, persons designated under two of these fourteen OFAC-administered sanctions programs (*i.e.,* [ILLICIT DRUGS–EO14059] and [TCO]) were not subject to restrictions under the EAR. Persons designated under the other twelve programs were already subject to comprehensive export controls under part 744 provisions, or under provisions in parts 740 or 746 of the EAR. As described below under sections II and III, this final rule expands certain of these part 744 provisions and revises part 744 to feature a comprehensive, consolidated provision that references all fourteen OFAC-administered sanctions programs. It also consolidates the relevant export control restrictions from part 740 and 746 under this new provision in part 744.

The EAR, prior to this final rule, imposed licensing restrictions on export, reexport, and transfer (in-country) transactions involving all items subject to the EAR in which persons blocked under three OFAC-administered sanctions programs—[FTO], [SDGT], and [NPWMD]—served as parties to the transaction. This rule eliminates the three applicable underlying sections in part 744 and adds their contents to a consolidated single section under § 744.8.

In addition, prior to this final rule, the EAR imposed licensing restrictions on exports, reexports, and transfers (in-country) of 'luxury goods' in which persons blocked under seven of these OFAC administered sanctions programs—[BELARUS], [BELARUS–EO14038], [RUSSIA–EO14024], [UKRAINE–EO13660], [UKRAINE–EO13661], [UKRAINE–EO13662], and [UKRAINE–EO13685]—served as parties to the transaction. This final rule expands the license requirement to all items subject to the EAR and moves the relevant regulatory contents from current § 746.10(a)(2) into a consolidated single section of the EAR under § 744.8.

Prior to this final rule, the EAR also imposed restrictions on the availability of license exceptions for transactions involving certain items in which persons blocked under two of these OFAC-administered sanctions programs, [SDNT] and [SDNTK], served as parties to the transaction. This final rule restricts such license exception availability further by adding a license requirement for all items subject to the EAR when a person blocked pursuant to these two programs is a party to the transaction and places the substantive regulatory contents in a consolidated single section of the EAR under § 744.8.

BIS will continue its regular coordination with OFAC to impose restrictions on persons designated under other OFAC blocking or sanctions programs in cases in which BIS determines that its export controls would be an effective tool to complement OFAC's sanctions programs. All interested parties may consult the Commerce Department-maintained Consolidated Screening List (CSL), available to the public at *https://www.trade.gov/consolidated-screening-list,* as a single-search portal to identify individuals and entities who appear on lists maintained by the Departments of Commerce, the Treasury, and State.

This final rule also makes several structural and technical changes to part 744 and removes four end-user control provisions under part 744 of the EAR that are either outdated or obsolete in light of changes made to other federal authorities.

Specifically, this final rule:

A. Imposes end-user controls under the EAR involving persons identified on OFAC's SDN List under eleven categories with the following identifiers: [BELARUS], [BELARUS–EO14038], [RUSSIA–EO14024], [UKRAINE–EO13660], [UKRAINE–EO13661], [UKRAINE–EO13662], [UKRAINE–EO13685], [ILLICIT DRUGS–EO14059], [SDNT], [SDNTK], and [TCO].

B. Consolidates into a single section the contents of several part 744 SDN-related end-user provisions under the EAR. Prior to this final rule, part 744 included five separate sections involving SDNs designated in or pursuant to several specified Executive Orders (E.O.s). This final rule consolidates the contents of those five sections and the eleven new SDN-related restrictions so that all of the SDN-related end-user controls in part 744 will be in the same section. As part

of this regulatory action, BIS removes from the EAR two provisions: one provision involving a terminated E.O. that had targeted Specially Designated Terrorists (SDTs) and a second provision involving Iraq that does not address current policy concerns under the EAR.

C. Removes two end-user control provisions in part 744 of the EAR that are no longer needed because of the existence of a broader end-user control in § 744.11 that allows BIS to impose restrictions on entities acting contrary to the national security or foreign policy interests of the United States.

II. Expansion of SDN-Related End-User Controls Under the EAR

A. Persons Designated on SDN List With the Identifiers [BELARUS], [BELARUS–EO14038], [RUSSIA–EO14024], [UKRAINE–EO13660], [UKRAINE–EO13661], [UKRAINE–EO13662], or [UKRAINE–EO13685]

1. Export Controls Implemented Against Russia and Belarus

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

Most recently, in a January 2024 rule, ''Implementation of Additional Sanctions Against Russia and Belarus Under the Export Administration Regulations (EAR) and Refinements to Existing Controls,'' BIS strengthened its sanctions under the EAR against Russia and Belarus, including by expanding the scope of the EAR's Russian and Belarusian Industry Sector Sanctions, expanding the EAR's Russia/Belarus foreign direct product rule to cover certain EAR99 antennas, antenna reflectors, and parts thereof, and other actions to prohibit exports or reexports of military and spacecraft-related items to Russia and Belarus (89 FR 4804, January 25, 2024). The Department of Commerce took these actions to enhance the effectiveness of its controls on these two countries and to better align them with those implemented by U.S. allies and partners.

2. Designations Made Pursuant to E.O.s 13405, 13660, 13661, 13662, 13685, 14024, and 14038 and BIS Actions To Complement Such Designations

OFAC has taken action to address Russia's February 2022 invasion of Ukraine, including adding various persons to OFAC's SDN List pursuant to E.O. 13405, 13660, 13661, 13662, 13685, 14024, and 14038. Persons who are blocked pursuant to one of these seven E.O.s are designated on the SDN List with the identifier [BELARUS], [BELARUS–EO14038], [RUSSIA–EO14024], [UKRAINE–EO13660], [UKRAINE–EO13661], [UKRAINE–EO13662], or [UKRAINE–EO13685] (see *http://www.treas.gov/sdn*).

In this rule, in order to complement the designations made under E.O. 13405, 13660, 13661, 13662, 13685, 14024, or 14038, BIS amends the EAR to revise § 744.8 to impose a license requirement for all exports, reexports, or transfers (in-country) of items subject to the EAR when a person designated under one of these seven E.O.s is a party to the transaction as defined in § 748.5(c) through (f). In particular, these new EAR license requirements under § 744.8 will apply to any reexport or transfer (in-country) transaction that is not subject to regulation by OFAC, including due to the fact that the transaction does not involve U.S. persons or the U.S. financial system, thereby ensuring that the U.S. Government can restrict such activity. These new license requirements will apply broadly to all items subject to the EAR. There will also be a prohibition on the use of any license exceptions, although as specified in new § 744.8(a)(2), the EAR authorization requirements will take into account OFAC general licenses and exemptions to ensure consistency, and a restrictive presumption of denial review policy will apply to license applications involving these persons as parties to the transaction.

These EAR changes will limit these persons' access to items subject to the EAR, regardless of their source. Also, these actions will advance the U.S. national security and foreign policy objectives set forth in E.O. 13405, 13660, 13661, 13662, 13685, 14024, and 14038, and build upon the policy objectives set forth in the Russia Sanctions rules and in the Belarus Sanctions rules as described above. This rule is part of a set of larger U.S. Government and partner and allied country actions intended to increase the financial, economic, and strategic consequences of Russia's further invasion of Ukraine and Belarus's substantial enabling of such invasion, and Russia's ongoing military aggression in Ukraine during the past two years.

In order to avoid duplication, if OFAC issues a general license or specific license that authorizes a transaction with or involving a person blocked under the applicable OFAC regulations and included on the SDN List with the identifier [BELARUS], [BELARUS–EO14038], [RUSSIA–EO14024], [UKRAINE–EO13660], [UKRAINE–EO13661], [UKRAINE–EO13662], or [UKRAINE–EO13685] or such transaction is otherwise exempt from OFAC's regulations, then no additional BIS authorization is required for exports, reexports, or transfers (in-country) of any item subject to the EAR when that person is a party to the transaction as defined in § 748.5(c) through (f), provided that a license would otherwise only be required under § 744.8. A BIS license would still be required for exports, reexports, or transfers (in-country) that implicate other parts of the EAR, including parts 742 and 746, as well as supplement no. 4 to part 744 or other end-use or end-user controls. For example, an entity with the SDN List identifier [RUSSIA–EO14024] would be subject to the license requirements under § 744.8 but could also be listed on the Entity List in supplement no. 4 to part 744. If the entity were listed on the Entity List, a party seeking to make an export, rexport, or transfer (in-country) would have to overcome the additional EAR license requirements. Alternatively, if the item were highly controlled, such as a ''600 series'' military item, the party seeking to make an export, reexport, or transfer (in-country) would have to overcome Commerce Control List (CCL)-based license requirements in addition to requirements set forth in § 744.8.

BIS estimates new license requirements under § 744.8 for persons included on the SDN List with the identifier [BELARUS], [BELARUS–EO14038], [RUSSIA–EO14024], [UKRAINE–EO13660], [UKRAINE–EO13661], [UKRAINE–EO13662], or [UKRAINE–EO13685] will result in an additional five license applications being submitted to BIS annually.

B. Persons Designated on the SDN List With [ILLICIT DRUGS–EO14059], [SDNT], [SDNTK], or [TCO] Identifiers Related to Narcotics or Criminal Activities

OFAC has taken various actions to address narcotics or other criminal activities, including by adding various

persons to the SDN List with the identifiers [ILLICIT DRUGS–EO14059], [SDNT], [SDNTK], or [TCO].

This final rule adds persons designated on the SDN List with the following identifiers to § 744.8 of the EAR: [ILLICIT DRUGS–EO14059] (persons designated pursuant to E.O. 14059); [SDNT] (persons designated pursuant to the Narcotics Trafficking Sanctions Regulations, 31 CFR part 536); [SDNTK] (persons designated pursuant to the Foreign Narcotics Kingpin Sanctions Regulations, 31 CFR part 598); and [TCO] (persons designated pursuant to the Transnational Criminal Organizations Sanctions Regulations, 31 CFR part 590 and E.O. 13581). Consistent with these SDN-related end-user controls, § 744.8, as revised and consolidated by this final rule, will impose license requirements for all items subject to the EAR, restrict the availability of all license exceptions, and specify a presumption of denial license review policy.

This rule removes and reserves § 740.2(a)(22) as a conforming change to the addition of two of these SDN List identifiers to § 744.8. Due to the fact that § 744.8 will include a restriction on the use of EAR license exceptions for export, reexport, and transfer (in-country) transactions involving all items subject to the EAR, § 740.2(a)(22) is no longer needed.

Prior to this final rule, the SDN identifiers [SDNT] and [SDNTK] were included in a general restriction on the use of license exceptions under § 740.2(a)(22) for certain items. This general restriction specified that the export, reexport, or transfer (in-country) of any item classified under a 0x5zz Export Control Classification Number (ECCN) (*i.e.,* firearms and related items) could not be authorized under an EAR license exception when a party to the transaction was designated on the SDN List with one of these identifiers. Because persons designated on the SDN List with these identifiers were involved in narcotics or other criminal activities, BIS had restricted the use of all EAR license exceptions for the firearms and related items controlled under the 0x5zz ECCNs to protect U.S. national security and foreign policy interests. Due to the fact that there is a worldwide license requirement under the EAR for firearms, BIS did not impose a license requirement under part 744 for transactions involving persons on the SDN List with these identifiers who are parties to the transaction, and instead relied on the CCL-based license requirements and related license review policies.

BIS has determined that the license requirements for export, reexport, and transfer (in-country) transactions in which persons designated on the SDN List with the identifiers [ILLICIT DRUGS–EO14059], [SDNT], [SDNTK], or [TCO] are parties to the transaction should be expanded from CCL-based requirements to all items subject to the EAR to further protect U.S. national security and foreign policy interests. In order to avoid duplication, U.S. persons are not required to seek separate BIS authorization for an export, reexport, or transfer (in-country) of any item subject to both the EAR and OFAC's regulations when a person identified in § 744.8 is a party to the transaction as defined in § 748.5(c) through (f). Therefore, if OFAC authorizes an export from the United States or an export, reexport, or transfer (in-country) by a U.S. person to a person identified in § 744.8, no separate BIS authorization is required.

BIS estimates new license requirements under § 744.8 for transactions in which persons designated on the SDN List with the identifiers [ILLICIT DRUGS–EO14059], [SDNT], [SDNTK], or [TCO] are parties to the transaction will result in an additional 15 license applications being submitted to BIS annually.

III. Consolidation of the SDN-Related End-User Controls Under the EAR

A. Increasing Use and Expansion of End-User Controls

The increasing use of end-use and end-user controls under the EAR has led to an expansion of the number of sections under part 744, ''Control Policy: End User and End-Use Based.'' For example, there are five sections similarly structured in part 744 that prior to this final rule imposed restrictions on certain persons designated on the SDN List. This rule simplifies part 744 by combining these sections into a single section that will specify the requirements under the EAR and by adding the eleven new SDN identifiers described above under section II to the same consolidated section. This streamlining and restructuring will reduce the compliance burden on parties because it will be easier to review one consolidated SDN-related section instead of fourteen separate SDN-related sections.

This final rule removes and reserves § 744.13, relating to persons identified on the SDN List with the [SDT] identifier, which OFAC no longer uses. The now-obsolete [SDT] restrictions in § 744.13 are related to E.O. 12947 of January 23, 1995, which was revoked on September 9, 2019, by E.O. 13886. E.O. 13886 also modified E.O. 13224, which underlies the Global Terrorism Sanctions Regulations (31 CFR part 594) referenced in § 744.12. The existing [SDT] SDNs were re-designated as [SDGT] SDNs upon E.O. 12947's revocation. This final rule also does not include the restrictions related to SDNs with the [IRAQ2] identifier under § 744.18 as part of the consolidation under revised § 744.8 because the vast majority of these natural persons or entities are either dead or no longer in existence, and they remain designated as SDNs primarily for purposes of blocking financial assets. Therefore, these additional EAR requirements are no longer needed.

B. Consolidation of EAR Controls Involving Items Destined for Certain Persons Designated on the SDN List

1. Overview of the Consolidated Controls

In part 744, this final rule removes and reserves §§ 744.12, 744.13, 744.14, and 744.18. For §§ 744.12 and 744.14, this final rule adds the substance of these controls to the revised § 744.8. This final rule does not add the controls under § 744.13 or under § 744.18 for the reasons described above under section III.A.

In § 744.8, this final rule revises this section, including the heading, to reflect the consolidation of §§ 744.12 and 744.14 therein. This final rule additionally makes certain clarifying changes to § 744.8, including clarifying that the specified EAR requirements apply to transfers (in-country) and that OFAC general licenses remain available for entities that are otherwise subject to these license requirements under § 744.8.

Also, in § 744.8, this rule expands the end-user controls under part 744 to extend the controls to transactions featuring as a party to the transaction a person designated on the SDN List with the identifiers [BELARUS], [BELARUS–EO14038], [RUSSIA–EO14024], [UKRAINE–EO13660], [UKRAINE–EO13661], [UKRAINE–EO13662], or [UKRAINE–EO13685] as described under section II.A, and with the identifiers [ILLICIT DRUGS–EO14059], [SDNT], [SDNTK], or [TCO] as described under section II.B of this final rule.

2. Comparison of the Original and Consolidated EAR Controls for SDNs Under Part 744

The EAR imposes license requirements, license review policies, and restrictions on the use of license exceptions under certain sections of part

744 of the EAR for transactions featuring as a party to the transaction certain persons designated on the SDN List with specified identifiers, as described in section III.B.1.

Table 1 identifies these EAR restrictions prior to this final rule and the corresponding EAR section for these end-user requirements under § 744.8, as revised. Because of the number of sections this final rule removes and consolidates under part 744, BIS includes Table 1 to assist the exporting community's understanding of these changes.

Table 2 identifies the eleven new SDN List identifiers ([BELARUS], [ILLICIT DRUGS–EO14059], [RUSSIA–EO14024], [SDNT], [SDNTK], [TCO], [UKRAINE–EO13660], [UKRAINE–EO13661], [UKRAINE–EO13662], and [UKRAINE–EO13685]) that this final rule adds to the end-user requirements under part 744 of the EAR. BIS includes Table 2 to assist the exporting community's understanding of these changes, including specifying the requirements in place prior to this final rule and the new and expanded requirements under this final rule.

TABLE 1—EXISTING SDN LIST IDENTIFIERS THAT REQUIRE A LICENSE FOR ALL ITEMS SUBJECT TO THE EAR THAT ARE BEING CONSOLIDATED INTO § 744.8 OR ARE OTHERWISE BEING REMOVED FROM THE EAR

Program identifier	Sanctions program	OFAC sanctions list	EAR section prior to this final rule	New EAR section in this final rule
Terrorism-related				
[FTO]	Foreign Terrorist Organizations Sanctions Regulations, 31 CFR part 597.	SDN	§ 744.14	§ 744.8.
[SDGT]	Global Terrorism Sanctions Regulations, 31 CFR part 594.	SDN	§ 744.12	§ 744.8.
*[SDT]	Terrorism Regulations, 31 CFR part 595	N/A	§ 744.13	N/A, because this identifier is no longer used.
WMD related				
[NPWMD]	Weapons of Mass Destruction Proliferators Sanctions Regulations, 31 CFR part 544.	SDN	§ 744.8	§ 744.8.
Iraq related				
*[IRAQ2]	E.O. 13315; E.O. 13350	SDN	§ 744.18	N/A, because the vast majority of these persons or entities are either dead or otherwise no longer in existence.

* Denotes SDN List identifiers that are being removed from part 744 license requirements in this final rule.

Some of the SDN List identifiers in Table 2 are new to the EAR and others were previously subject to EAR license requirements or other restrictions that are being expanded in this final rule with the additions of these SDN List identifiers to § 744.8.

TABLE 2—SDN LIST IDENTIFIERS ADDED TO § 744.8

Program identifier	Sanctions program	OFAC sanctions list	EAR section prior to this final rule	New EAR section in this final rule
Related to Russia's invasion of Ukraine				
[BELARUS]	31 CFR part 548	SDN	§ 746.10, which required a license for 'luxury goods' identified in supplement no. 5 to part 746.	§ 744.8
[BELARUS–EO14038]	31 CFR part 548	SDN	§ 746.10, which required a license for 'luxury goods' identified in supplement no. 5 to part 746.	§ 744.8
[RUSSIA–EO14024]	Russian Harmful Foreign Activities Sanctions Regulations, 31 CFR part 587; E.O. 14024.	SDN	§ 746.10, which required a license for 'luxury goods' identified in supplement no. 5 to part 746.	§ 744.8
[UKRAINE–EO13660]	31 CFR part 589	SDN	§ 746.10, which required a license for 'luxury goods' identified in supplement no. 5 to part 746.	§ 744.8
[UKRAINE–EO13661]	31 CFR part 589	SDN	§ 746.10, which required a license for 'luxury goods' identified in supplement no. 5 to part 746.	§ 744.8
[UKRAINE–EO13662]	31 CFR part 589	SDN	§ 746.10, which required a license for 'luxury goods' identified in supplement no. 5 to part 746.	§ 744.8

TABLE 2—SDN LIST IDENTIFIERS ADDED TO § 744.8—Continued

Program identifier	Sanctions program	OFAC sanctions list	EAR section prior to this final rule	New EAR section in this final rule
[UKRAINE–EO13685]	31 CFR part 589	SDN	§ 746.10, which required a license for 'luxury goods' identified in supplement no. 5 to part 746.	§ 744.8
Related to narcotics trafficking or other criminal networks				
[ILLICIT DRUGS–EO14059]	31 CFR part 599	SDN	N/A (new SDN List-related identifier)	§ 744.8
[SDNT]	Narcotics Trafficking Sanctions Regulations, 31 CFR part 536.	SDN	§ 740.2(a)(22), which restricted the use of license exceptions for 0x5zz items, but did not impose additional license requirements for these persons. This final rule removes paragraph (a)(22) because it will be addressed under § 744.8.	§ 744.8
[SDNTK]	Foreign Narcotics Kingpin Sanctions Regulations, 31 CFR part 598.	SDN	§ 740.2(a)(22), which restricted the use of license exceptions for 0x5zz items but did not impose additional license requirements for these persons. This final rule removes paragraph (a)(22) because it will be addressed under § 744.8.	§ 744.8
[TCO]	Transnational Criminal Organizations Sanctions Regulations, 31 CFR part 590; Executive Order 13581.	SDN	N/A (new SDN List-related identifier)	§ 744.8

IV. Removal of Two End-User Control Sections Under the EAR

Section 744.11 (License requirements that apply to entities acting or at significant risk of acting contrary to the national security or foreign policy interests of the United States), provides a basis for BIS to impose license requirements by adding persons to the Entity List who have been involved, are involved, or pose a significant risk of being or becoming involved in activities that are contrary to the national security or foreign policy interests of the United States. Other sections of parts 744 (*e.g.,* § 744.3, relating to activities of concern involving missile technology) and 746 are also used to add persons to the Entity List. The substantive criteria set forth in two sections of part 744, §§ 744.10 (Restrictions on certain entities in Russia) and 744.20 (License requirements that apply to certain sanctioned entities), are duplicative of § 744.11 and/or other provisions in parts 744 and 746), which provide sufficient authority to add to the Entity List persons meeting the criteria set forth in those two sections. Therefore, this final rule removes and reserves §§ 744.10 and 744.20.

This final rule will reduce by two the number of sections that exporters, reexports, and transferors will need to review in part 744. Taking into account the additional four sections that this final rule removes as part of the consolidation of the SDN restrictions under § 744.8, as described under section III above, as well as the removal of the outdated SDN-related sections §§ 744.13 and 744.18, these changes will result in the removal of a total of six sections from part 744, making the end-user controls under part 744 simpler (thereby facilitating compliance) and more effective while continuing to serve to protect and advance U.S. national security and foreign policy interests.

V. Amendments to the EAR

In § 740.2, this final rule removes and reserves paragraph (a)(22) from the EAR because its restrictions on certain SDNs have been moved to the broader end-user restrictions under § 744.8.

In § 744.1, this final rule revises paragraph (a)(1) (*Introduction*), to remove references to §§ 744.12, 744.13, 744.14, and 744.18, and makes changes to the reference to § 744.8 to reflect that this section will now be the single section in part 744 that specifies end-user license requirements for export, reexport, and transfer (in-country) transactions involving certain SDNs. This final rule also removes the sentences referencing §§ 744.18 and 744.20, which are simultaneously being removed from the EAR. As a conforming change, this final rule revises the sentence that references § 744.7 to add the term ''transfer (in-country)'' for consistency with the requirements in § 744.7. For clarification purposes, this final rule revises the section that references § 744.19 to add the term ''transfer (in-country).'' In the sentence that specifies that these sections of part 744 include license review policies for export license applications submitted as required by these sections, this final rule adds the phrase ''reexport, and in-country transfer,'' because the license requirements of part 744 extend to reexports and transfers (in-country). In the sentence that refers to § 744.21, this final rule makes updates for consistency with the existing requirements under § 744.21 for Russia and Belarus, which are different than those for the other countries identified in § 744.21.

In § 744.7(b)(2) (*Exports to U.S. or Canadian Airline's Installation or Agent*), this final rule adds the phrase ''reexports, and transfers (in-country)'' for clarity. This addition is consistent with the agency's longstanding position that this paragraph is available for reexports and transfers (in-country). In § 744.8 (Restrictions on exports and reexports to persons designated pursuant to E.O. 13382—blocking property of weapons of mass destruction proliferators and their supporters), this final rule revises this section heading to now read as ''Restrictions on exports, reexports, and transfers (in-country) when certain persons designated on the List of Specially Designated Nationals and Blocked Persons (SDN List) are a party to the transaction'' to reflect the broadened scope of this revised section.

Paragraph (a)(1) (Scope) defines the scope of the revised § 744.8. The final rule revises § 744.8 to impose EAR license requirements, specify license

review policies, and set forth restrictions on the use of license exceptions for exports, reexports, and transfers (in-country) when a person who is designated on the SDN List with any of the following identifiers is a party to the transaction as described in § 748.5(c) through (f): [BELARUS], [BELARUS–EO14038], [RUSSIA–EO14024], [UKRAINE–EO13660], [UKRAINE–EO13661], [UKRAINE–EO13662], [UKRAINE–EO13685], [ILLICIT DRUGS–EO14059], [SDNT], [SDNTK], and [TCO]. Paragraph (a)(1) will also include a sentence specifying that these persons are set forth in appendix A to 31 CFR chapter V and on OFAC's website at *https://www.treas.gov/sdn* to assist exporters, reexporters, and transferors in identifying these persons. This final rule adds a new note 1 to paragraph (a)(1) to include a cross reference to direct the public to the OFAC website for *Program Tag Definitions for OFAC Sanctions Lists* for additional background rather than carrying over the background information from the underlying part 744 SDN-related sections.

Paragraph (a)(2) specifies the relationship between BIS and OFAC for these part 744 requirements specified under § 744.8. Paragraph (a)(2) clarifies that these EAR controls supplement and strengthen the sanctions that are imposed by OFAC on these SDNs to better ensure that U.S. national security and foreign policy interests are protected in the case of export, reexport, and transfer (in-country) transactions involving items subject to the EAR. Paragraph (a)(2) includes a sentence identifying the most likely scenarios in which the OFAC regulations generally would not apply but the EAR controls would. This final rule also includes a sentence at the end of paragraph (a)(2) to specify that in order to avoid imposing a dual licensing requirement, the EAR authorization requirements specified in this section do not require a separate EAR authorization if the activities are authorized under an OFAC specific or general license or are exempted under OFAC's regulations.

This final rule adds one note to paragraph (a). New note 2 clarifies that the Entity List in supplement no. 4 to part 744 includes certain persons that have also been designated on the SDN List. This note includes a cross reference to § 744.11 and supplement no. 4 to part 744 for requirements and related license review policies for these entities, which take precedence over those set forth in § 744.8. BIS also clarifies in new note 1 that BIS requires an EAR authorization as specified in the license requirement column on the Entity List for these persons regardless of whether the export, reexport, or transfer (in-country) is authorized under an OFAC specific or general license.

In § 744.8(b) (*License requirements*), this final rule specifies that unless the export, reexport, or transfer (in-country) is authorized under an OFAC specific or general license or exempt under OFAC's regulations, a license is required under the EAR for the export, reexport, or transfer (in-country) of any item ''subject to the EAR'' when a person who is designated on OFAC's SDN List with any of the following identifiers is a party to the transaction as described in § 748.5(c) through (f): [BELARUS], [BELARUS–EO14038], [RUSSIA–EO14024], [UKRAINE–EO13660], [UKRAINE–EO13661], [UKRAINE–EO13662], [UKRAINE–EO13685], [ILLICIT DRUGS–EO14059], [SDNT], [SDNTK], and [TCO]. This rule also adds one sentence at the end of paragraph (b) to specify that a BIS license is not required for transactions described in this paragraph that would have otherwise met all of the terms and conditions of an OFAC general license if the transactions had been subject to OFAC jurisdiction.

In § 744.8(c) (*License exceptions*), this final rule specifies that no license exceptions may overcome the license requirements in this section, except in the case of entities that are also listed on the Entity List in supplement no. 4 to part 744 and for which certain license exceptions are available. In such circumstances, the specified license exceptions may overcome the license requirements of this section and supplement no. 4 to part 744 that would otherwise apply.

In § 744.8(d) (*License review policy*), this final rule specifies that applications for licenses required by this section will be subject to a presumption of denial review policy, except when note 1 to paragraph (a) is applicable. When note 1 to paragraph (a)(1) is applicable, the license review policy under the Entity List entry for that person would take precedence. This final rule also includes a cross reference in paragraph (d) to direct exporters, reexporters, and transferors to consult OFAC concerning transactions subject to OFAC licensing requirements.

In § 744.8(e) (*Violations*), this final rule includes, in streamlined form, information included prior to this final rule regarding violations of the EAR. Specifically, paragraph (e)(1) states that any export, reexport, or transfer (in-country) by a U.S. person of any item subject both to the EAR and OFAC's regulations and not authorized by OFAC when a person identified in paragraph (a)(1) is a party to the transaction as defined in § 748.5(c) through (f) constitutes a violation of the EAR. This final rule also adds one sentence to clarify that this paragraph does not apply to entities identified under both this section and on the Entity List in supplement no. 4 to part 744. EAR violations involving entities identified under both this section and the Entity List, will be addressed pursuant to §§ 744.11 and 744.16.

This final rule adds paragraph (e)(2) to specify that any export, reexport, or transfer (in-country) by a U.S. person of any item subject to the EAR that is not subject to OFAC's regulations and not authorized by BIS when a person identified in paragraph (a)(1) is a party to the transaction as defined in § 748.5(c) through (f) constitutes a violation of the EAR. Paragraph (e)(2) also specifies that any export from abroad, reexport, or transfer (in-country) by a non-U.S. person of any item subject to the EAR and not authorized by BIS when a person identified in paragraph (a)(1) is a party to the transaction as defined in § 748.5(c) through (f) constitutes a violation of the EAR.

This final rule also includes a note 3 to § 744.8 to specify that this section does not implement, construe, or limit the scope of any criminal statute, including but not limited to 18 U.S.C. 2339B(a)(1) and 2339A, and does not excuse any person from complying with any criminal statute, including but not limited to 18 U.S.C. 2339B(a)(1) and 18 U.S.C. 2339A. This note is included for consistency with previous SDN-related restrictions under part 744 of the EAR.

In part 744, this final rule removes and reserves §§ 744.12 and 744.14 as conforming changes to the consolidation under § 744.8 of the requirements previously specified in those sections. Also in part 744, this final rule removes and reserves §§ 744.10, 744.13, 744.18, and 744.20 because these sections are no longer needed.

In § 746.10 ('Luxury goods' sanctions against Russia and Belarus and Russian and Belarusian oligarchs and malign actors), this final rule revises paragraph (a)(2) to remove the license requirement and include a cross reference to § 744.8 of the EAR for additional license requirements for persons designated on OFAC's SDN List with the identifier [BELARUS–EO14038], [BELARUS], [RUSSIA–EO14024], [UKRAINE–EO13660], [UKRAINE–EO13661], [UKRAINE–EO13662], or [UKRAINE–EO13685]. The license requirement under § 744.8 is for all items subject to the EAR, which includes all 'luxury goods' identified in supplement no. 5 to part 746. This rule adds to § 746.10 a

cross reference to the expanded license requirements under § 744.8 to alert exporters, reexporters, and transferors to the fact that persons with these SDN identifiers remain subject to a license requirement (expanded in scope by this rule) under § 744.8.

Savings Clause

For the changes being made in this final rule, shipments of items removed from eligibility for a License Exception or export, reexport, or transfer (in-country) without a license (NLR) as a result of this regulatory action that were en route aboard a carrier to a port of export, reexport, or transfer (in-country), on March 21, 2024, pursuant to actual orders for export, reexport, or transfer (in-country) to or within a foreign destination, may proceed to that destination under the previous eligibility for a License Exception or export, reexport, or transfer (in-country) without a license (NLR) provided the export, reexport, or transfer (in-country) is completed no later than on April 22, 2024.

Export Control Reform Act of 2018

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

Rulemaking Requirements

1. BIS has examined the impact of this rule as required by Executive Orders 12866, 13563, and 14094, which direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (*e.g.,* potential economic, environmental, public, health, and safety effects, distributive impacts, and equity). This final rule is considered a ''significant regulatory action'' under sec. 3(f) of E.O. 12866.

2. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This rule involves the following OMB-approved collections of information subject to the PRA: 0694–0088, ''Multi-Purpose Application,'' which carries a burden hour estimate of 29.6 minutes for a manual or electronic submission; 0694–0096 ''Five Year Records Retention Period,'' which carries a burden hour estimate of less than one minute; and 0607–0152 ''Automated Export System (AES) Program,'' which carries a burden hour estimate of three minutes per electronic submission. This rule changes the respondent burden under these control numbers by increasing the estimated number of submissions by twenty, which is not expected to exceed the current approved estimates.

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

4. Pursuant to section 1762 of ECRA (50 U.S.C. 4821), this action is exempt from the Administrative Procedure Act (APA) (5 U.S.C. 553) requirements for notice of proposed rulemaking, opportunity for public participation, and delay in effective date. While section 1762 of ECRA provides sufficient authority for such an exemption, this action is also independently exempt from these APA requirements because it involves a military or foreign affairs function of the United States (5 U.S.C. 553(a)(1)).

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

List of Subjects

15 CFR Part 740

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

15 CFR Part 744

Exports, Reporting and recordkeeping requirements, Terrorism.

15 CFR Part 746

Exports, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, parts 740, 744 and 746 of the Export Administration Regulations (15 CFR parts 730 through 774) are amended as follows:

PART 740—LICENSE EXCEPTIONS

■ 1. The authority citation for part 740 continues to read as follows:

Authority: 50 U.S.C. 4801–4852; 50 U.S.C. 4601 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 7201 *et seq.;* E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783.

§ 740.2 [Amended]

■ 2. Section 740.2 is amended by removing and reserving paragraph (a)(22).

PART 744—END-USE AND END-USER CONTROLS

■ 3. The authority citation for 15 CFR part 744 continues to read as follows:

Authority: 50 U.S.C. 4801–4852; 50 U.S.C. 4601 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 3201 *et seq.;* 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; Notice of September 19, 2022, 87 FR 57569 (September 21, 202); Notice of November 8, 2022, 87 FR 68015, 3 CFR, 2022 Comp., p. 563; Notice of September 7, 2023, 88 FR 62439 (September 11, 2023).

■ 4. Section 744.1 is amended by revising paragraph (a)(1) to read as follows:

§ 744.1 General provisions.

(a)(1) *Introduction.* In this part, references to the EAR are references to 15 CFR chapter VII, subchapter C. This part contains prohibitions against exports, reexports, and selected transfers to certain end users and end uses as introduced under General Prohibitions Five (End use/End users) and Nine (Orders, Terms, and Conditions), unless authorized by BIS. Sections 744.2, 744.3, and 744.4 prohibit exports, reexports, and transfers (in-country) of items subject to the EAR to defined nuclear, missile, and chemical and biological weapons proliferation activities. Section 744.5 prohibits exports, reexports, and transfers (in-country) of items subject to the EAR to defined nuclear maritime end-uses. Consistent with General Prohibition Seven (Support of Proliferation Activities and certain Military-Intelligence End Uses and End Users (''U.S. person'' activities)), § 744.6 prohibits specific activities by U.S. persons in support of certain nuclear, missile, chemical and biological weapons end uses, and whole plants for chemical weapons precursors, as well as certain military-intelligence end uses and military-intelligence end users. Section 744.7 prohibits exports, reexports, and transfers (in-country) of certain items for certain aircraft and

vessels. Section 744.8 prohibits exports, reexports, and transfers (in-country) without authorization when a person designated on the list of Specially Designated Nationals and Blocked Persons (SDN List) pursuant to certain specified sanctions programs is a party to the transaction. Section 744.9 sets forth restrictions on exports, reexports, and transfers (in-country) of certain cameras, systems, or related components. Section 744.11 imposes license requirements, to the extent specified in supplement no. 4 to this part, on entities listed in supplement no. 4 to this part for activities contrary to the national security or foreign policy interests of the United States. Section 744.15 sets forth the conditions for exports, reexports, and transfers (in-country) to persons listed on the Unverified List (UVL) in supplement no. 6 to this part, the criteria for revising the UVL, as well as procedures for requesting removal or modification of a listing on the UVL. Section 744.16 sets forth the license requirements, policies and procedures for the Entity List. Section 744.17 sets forth restrictions on exports, reexports, and transfers (in-country) of microprocessors and associated ''software'' and ''technology'' for military end uses and to military end users. Section 744.19 sets forth BIS's licensing policy for applications for export, reexport, and transfer (in-country) when a party to the transaction is an entity that has been sanctioned pursuant to any of three specified statutes that require certain license applications to be denied. In addition, these sections include license review standards for export, reexport, and in-country transfer license applications submitted as required by these sections. It should also be noted that part 764 of the EAR prohibits exports, reexports, and certain transfers of items subject to the EAR to denied parties. Section 744.21 imposes restrictions for exports, reexports, and transfers (in-country) of item subject to the EAR listed in supplement no. 2 to this part for a military end use or military end user in Burma, Cambodia, the People's Republic of China (PRC or China), Nicaragua, or Venezuela and for a Burmese, Cambodian, Chinese, Nicaraguan, or Venezuelan military end user if identified in supplement no. 7 to this part. Section 744.21 also imposes restrictions for exports, reexports, and transfers (in-country) for all items subject to the EAR for a military end use or military end user in Belarus or Russia and for a Belarusian or Russian military end user wherever located if identified on supplement no. 4 to this part. Section 744.22 imposes restrictions on exports, reexports, and transfers (in-country) for a military-intelligence end use or military-intelligence end user in Burma, China, Russia, or Venezuela; or for a country listed in Country Groups E:1 or E:2 (see supplement no. 1 to part 740 of the EAR). Section 744.23 sets forth restrictions on exports, reexports, and transfers (in-country) for certain ''supercomputer'' and semiconductor manufacturing end use.

* * * * *

■ 5. Section 744.7 is amended by revising the paragraph (b)(2) heading to read as follows:

§ 744.7 Restrictions on certain exports to and for the use of certain foreign vessels or aircraft.

* * * * *

(b) * * *

(2) *Exports, reexports, and transfers (in-country) to U.S. or Canadian Airline's Installation or Agent.* * * *

* * * * *

■ 6. Section 744.8 is revised to read as follows:

§ 744.8 Restrictions on exports, reexports, and transfers (in-country) when certain persons designated on the list of Specially Designated Nationals and Blocked Persons (SDN List) are a party to the transaction.

(a) *Scope.* (1) In addition to any other EAR license requirements that may be applicable, this section imposes EAR license requirements, license review policies, and restrictions on the use of license exceptions for exports, reexports, and transfers (in-country) when a person who is designated on the Department of the Treasury, Office of Foreign Assets Control's (OFAC) List of Specially Designated Nationals and Blocked Persons (SDN List) with any of the following identifiers is a party to the transaction, as described in § 748.5(c) through (f):

(i) Related to Russia's invasion of Ukraine.

(A) [BELARUS–EO14038];

(B) [BELARUS];

(C) [RUSSIA–EO14024];

(D) [UKRAINE–EO13660];

(E) [UKRAINE–EO13661];

(F) [UKRAINE–EO13662]; *or*

(G) [UKRAINE–EO13685].

(ii) Terrorism-related.

(A) [FTO]; *or*

(B) [SDGT].

(iii) WMD-related.

(A) [NPWMD].

(B) [Reserved]

(iv) Related to narcotics trafficking or other criminal networks.

(A) [ILLICIT DRUGS–EO14059];

(B) [SDNT];

(C) [SDNTK]; *or*

(D) [TCO].

Note 1 to paragraph (a)(1): *The names of such designations are published in the* ***Federal Register*** *and incorporated into the SDN List, as set forth in appendix A to 31 CFR chapter V and on OFAC's website at https://www.treas.gov/sdn. See Program Tag Definitions for OFAC Sanctions Lists for additional information: https://ofac.treasury.gov/specially-designated-nationals-list-sdn-list/program-tag-definitions-for-ofac-sanctions-lists.*

(2) These EAR controls supplement and strengthen the sanctions that are imposed by OFAC on these SDNs to better ensure that U.S. national security and foreign policy interests are protected. Specifically, this section imposes controls on exports, reexports, or transfers (in-country) of items subject to the EAR where the OFAC regulations are not applicable, such as in certain situations involving deemed exports and deemed reexports, and reexports and transfers (in-country) not involving the U.S. financial system or otherwise involving U.S. persons. To avoid imposing a duplicative license requirement, the transactions specified in this section do not require separate EAR authorization if the transactions are authorized under an OFAC specific or general license or are exempted under OFAC's regulations.

Note 2 to paragraph (a): *The Entity List in supplement no. 4 to part 744 includes certain persons that have also been designated with certain identifiers on the SDN List. See § 744.11 and supplement no. 4 to part 744 for requirements, including license review policies, for these entities, which take precedence over the requirements in this § 744.8. BIS requires an EAR authorization as specified in the license requirement column on the Entity List for export, reexport, and transfer (in-country) transactions involving items subject to the EAR in which these persons are parties to the transaction regardless of whether such transaction is authorized under an OFAC specific or general license or exempted under OFAC's regulations.*

(b) *License requirements.* Unless the export, reexport, or transfer (in-country) is authorized under an OFAC specific or general license or exempted under OFAC's regulations, a license is required under the EAR for the export, reexport, or transfer (in-country) of any item ''subject to the EAR'' when a person who is designated on OFAC's SDN List with any of the identifiers set forth in paragraph (a)(1) is a party to the transaction as described in § 748.5(c) through (f). A Department of Commerce license is not required for transactions described in this paragraph (b) that would have otherwise met all of the terms and conditions of an OFAC

general license if the transactions had been subject to OFAC jurisdiction.

(c) *License exceptions.* No license exceptions may overcome the license requirements in this section, except for entities that are also listed on the Entity List in supplement no. 4 to part 744 that have certain license exception eligibility, which is available to overcome the license requirements of this section and supplement no. 4 to part 744 for that specific entity.

(d) *License review policy.* Applications for licenses required by this section will be subject to a presumption of denial license review policy, except when note 1 to paragraph (a)(1) of this section is applicable and the license review policy specified on the Entity List in supplement no. 4 to part 744 is different, in which case the license review policy under the applicable Entity List entry for that person would govern. You should consult OFAC regarding transactions subject to licensing requirements under regulations maintained by OFAC.

(e) *Violations.* (1) Any export, reexport, or transfer (in-country) by a U.S. person of any item subject to both the EAR and regulations maintained by OFAC in situations in which a person identified in paragraph (a)(1) is a party to the transaction as described in § 748.5(c) through (f) that is not authorized by OFAC constitutes a violation of the EAR. This paragraph does not apply to entities identified under both this section and the Entity List in supplement no. 4 to part 744. EAR violations involving entities identified under both this section and the Entity List will be addressed pursuant to §§ 744.11 and 744.16.

(2) Any export, reexport, or transfer (in-country) of any item subject to the EAR in which a person identified in paragraph (a)(1) is a party to the transaction as described in § 748.5(c) through (f) and such transaction is not subject to regulations maintained by OFAC and not authorized by BIS constitutes a violation of the EAR.

Note 3 to § 744.8: *This section does not implement, construe, or limit the scope of any criminal statute, including but not limited to 18 U.S.C. 2339B(a)(1) and 2339A, and does not excuse any person from complying with any criminal statute, including but not limited to 18 U.S.C. 2339B(a)(1) and 18 U.S.C. 2339A.*

■ 7. Sections 744.10, 744.12 through 744.14, 744.18, and 744.20 are removed and reserved.

PART 746—EMBARGOES AND OTHER SPECIAL CONTROLS

■ 8. The authority citation for 15 CFR part 746 continues to read as follows:

Authority: 50 U.S.C. 4801–4852; 50 U.S.C. 4601 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 287c; Sec 1503, Pub. L. 108–11, 117 Stat. 559; 22 U.S.C. 2151 note; 22 U.S.C. 6004; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 12854, 58 FR 36587, 3 CFR, 1993 Comp., p. 614; E.O. 12918, 59 FR 28205, 3 CFR, 1994 Comp., p. 899; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13338, 69 FR 26751, 3 CFR, 2004 Comp., p 168; Presidential Determination 2003–23, 68 FR 26459, 3 CFR, 2004 Comp., p. 320; Presidential Determination 2007–7, 72 FR 1899, 3 CFR, 2006 Comp., p. 325; Notice of May 8, 2023, 88 FR 30211 (May 10, 2023).

■ 9. Section 746.10 is amended by:
■ a. Revising paragraph (a)(2);
■ b. Revising paragraph (a)(3) introductory text; and
■ c. Removing the final sentence of the paragraph (c) introductory text.

The revisions read as follows:

§ 746.10 'Luxury goods' sanctions against Russia and Belarus and Russian and Belarusian oligarchs and malign actors.

(a) * * *

(2) *Russian and Belarusian oligarch and malign actors.* The license requirements under this section for persons designated on OFAC's SDN List with the identifier [BELARUS], [BELARUS–EO14038], [RUSSIA–E.O. 14024], [UKRAINE–EO13660], [UKRAINE–EO13661], [UKRAINE–EO13662], or [UKRAINE–EO13685] were removed from this section on March 21, 2024, because a broader license requirement for all items subject to the EAR is required under § 744.8 as of March 21, 2024, which includes all 'luxury goods' under supplement no. 5 to part 746 and any other item subject to the EAR. See § 744.8 of the EAR for license requirements for persons designated on OFAC's SDN List with the identifier [BELARUS], [BELARUS–EO14038], [RUSSIA–E.O. 14024], [UKRAINE–EO13660], [UKRAINE–EO13661], [UKRAINE–EO13662], or [UKRAINE–EO13685].

(3) *Exclusion from scope of U.S.-origin controlled content under paragraph (a)(1) of this section.* For purposes of determining U.S.-origin controlled content under supplement no. 2 to part 734 of the EAR when making a *de minimis* calculation for reexports and exports from abroad to Russia or Belarus, the license requirements in paragraph (a)(1) of this section are not used to determine controlled U.S.-origin content in a foreign-made item, provided the criteria in paragraphs (a)(3)(i) and (ii) of this section are met:

* * * * *

Thea D. Rozman Kendler,

Assistant Secretary for Export Administration.

[FR Doc. 2024–06067 Filed 3–20–24; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 587

Publication of Russian Harmful Foreign Activities Sanctions Regulations Web General Licenses 88, 88A, 89, 90, 91, 91A, 92, and 93

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Publication of Web General Licenses.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing eight general licenses (GLs) issued pursuant to the Russian Harmful Foreign Activities Sanctions Regulations: GLs 88, 88A, 89, 90, 91, 91A, 92, and 93, each of which were previously made available on OFAC's website.

DATES: GLs 88, 88A, 89, 90, 91, 91A, 92, and 93 were issued on February 23, 2024. See **SUPPLEMENTARY INFORMATION** for additional relevant dates.

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

SUPPLEMENTARY INFORMATION:

Electronic Availability

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

Background

On February 23, 2024, OFAC issued GLs 88, 89, 90, 91, 92, and 93 to authorize certain transactions otherwise prohibited by the Russian Harmful Foreign Activities Sanctions Regulations, 31 CFR part 587 (RuHSR). Also on February 23, 2024, OFAC issued GLs 88A and 91A, which superseded GLs 88 and 91, respectively. GL 88 had an expiration date of April 8, 2024; GLs 88A, 89, 90, and 92 expire on April 8, 2024. GL 91 had an expiration date of May 23, 2024; GL 91A expires on May 23, 2024. Each GL was

made available on OFAC's website (*https://ofac.treasury.gov*) when it was issued. The text of these GLs is provided below.

OFFICE OF FOREIGN ASSETS CONTROL

Russian Harmful Foreign Activities Sanctions Regulations

31 CFR Part 587

GENERAL LICENSE NO. 88

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

(a) Except as provided in paragraph (b) of this general license, all transactions prohibited by Executive Order (E.O.) 14024 that are ordinarily incident and necessary to the wind down of any transaction involving one or more of the following blocked entities are authorized through 12:01 a.m. eastern daylight time, April 8, 2024, provided that any payment to a blocked person is made into a blocked account in accordance with the Russian Harmful Foreign Activities Sanctions Regulations, 31 CFR part 587 (RuHSR):

(1) PJSC Transcontainer;

(2) Publichnoe Aktsionernoe Obshchestvo Mechel;

(3) JSC SUEK;

(4) ILLC Geopromining Investment;

(5) LLC Holding GPM;

(6) Joint Stock Company Samara Metallurgical Plant;

(7) Joint Stock Company Rimera;

(8) Public Joint Stock Company Pipe Metallurgical Company;

(9) Vostochnaya Stevedoring Company LLC;

(10) JSC Rosgeologia;

(11) National Payment Card System Joint Stock Company;

(12) Limited Liability Company BSF Capital;

(13) Limited Liability Company Investment Consultant Elbrus Capital;

(14) Limited Liability Company Orbita Capital Partners;

(15) Nonprofit Organization Investment and Venture Fund of the Republic of Tatarstan;

(16) Obshchestvo S Ogranichennoi Otvetstvennostyu Guard Kapital;

(18) Limited Liability Company Shipbuilding Complex Zvezda; and

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

(b) This general license does not authorize:

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

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

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

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

Dated: February 23, 2024.

OFFICE OF FOREIGN ASSETS CONTROL

Russian Harmful Foreign Activities Sanctions Regulations

31 CFR Part 587

GENERAL LICENSE NO. 88A

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

(a) Except as provided in paragraph (b) of this general license, all transactions prohibited by Executive Order (E.O.) 14024 that are ordinarily incident and necessary to the wind down of any transaction involving one or more of the following blocked entities are authorized through 12:01 a.m. eastern daylight time, April 8, 2024, provided that any payment to a blocked person is made into a blocked account in accordance with the Russian Harmful Foreign Activities Sanctions Regulations, 31 CFR part 587 (RuHSR):

(1) PJSC Transcontainer;

(2) Publichnoe Aktsionernoe Obshchestvo Mechel;

(3) JSC SUEK;

(4) ILLC Geopromining Investment;

(5) LLC Holding GPM;

(6) Joint Stock Company Samara Metallurgical Plant;

(7) Joint Stock Company Rimera;

(8) Public Joint Stock Company Pipe Metallurgical Company;

(9) Vostochnaya Stevedoring Company LLC;

(10) JSC Rosgeologia;

(11) National Payment Card System Joint Stock Company;

(12) Limited Liability Company BSF Capital;

(13) Limited Liability Company Investment Consultant Elbrus Capital;

(14) Limited Liability Company Orbita Capital Partners;

(15) Nonprofit Organization Investment and Venture Fund of the Republic of Tatarstan;

(16) Obshchestvo S Ogranichennoi Otvetstvennostyu Guard Kapital;

(18) Limited Liability Company Shipbuilding Complex Zvezda;

(19) Joint Stock Company Sovcomflot; and

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

(b) This general license does not authorize:

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

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

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

(c) Effective February 23, 2024, General License No. 88, dated February 23, 2024, is replaced and superseded in its entirety by this General License No. 88A.

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

Dated: February 23, 2024.

OFFICE OF FOREIGN ASSETS CONTROL

Russian Harmful Foreign Activities Sanctions Regulations

31 CFR Part 587

GENERAL LICENSE NO. 90

Authorizing Certain Transactions Related to Debt or Equity of, or Derivative Contracts Involving, Certain Entities Blocked on February 23, 2024

(a) Except as provided in paragraphs (d) and (e) of this general license, all transactions prohibited by Executive Order (E.O.) 14024 that are ordinarily incident and necessary to the divestment or transfer, or the facilitation of the divestment or transfer, of debt or equity issued or guaranteed by the following blocked entities (''Covered Debt or Equity'') to a non-U.S. person are authorized through 12:01 a.m. eastern daylight time, April 8, 2024:

(1) LLC Holding GPM;

(2) Limited Liability Company Geopromaining Verkhne Menkeche;

(3) Joint Stock Company Sarylakh Surma;

(4) Joint Stock Company Zvezda;

(5) ILLC Geopromining Investment;

(6) Public Joint Stock Company PIK Specialized Homebuilder; and

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

(b) Except as provided in paragraph (e) of this general license, all transactions prohibited by E.O. 14024 that are ordinarily incident and necessary to facilitating, clearing, and settling trades of Covered Debt or Equity that were placed prior to 4:00 p.m. eastern standard time, February 23, 2024 are authorized through 12:01 a.m. eastern daylight time, April 8, 2024.

(c) Except as provided in paragraph (e) of this general license, all transactions prohibited by E.O. 14024 that are ordinarily incident and necessary to the wind down of derivative contracts entered into prior to 4:00 p.m. eastern standard time, February 23, 2024 that (i) include a blocked person described in paragraph (a) of this general license as a counterparty or (ii) are linked to Covered Debt or Equity are authorized through 12:01 a.m. eastern daylight time, April 8, 2024, provided that any payments to a blocked person are made into a blocked account in accordance with the Russian

Harmful Foreign Activities Sanctions Regulations, 31 CFR part 587 (RuHSR).

(d) Paragraph (a) of this general license does not authorize:

(1) U.S. persons to sell, or to facilitate the sale of, Covered Debt or Equity to, directly or indirectly, any person whose property and interests in property are blocked; or

(2) U.S. persons to purchase or invest in, or to facilitate the purchase of or investment in, directly or indirectly, Covered Debt or Equity, other than purchases of or investments in Covered Debt or Equity ordinarily incident and necessary to the divestment or transfer of Covered Debt or Equity as described in paragraph (a) of this general license.

(e) This general license does not authorize:

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

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

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

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

Dated: February 23, 2024.

OFFICE OF FOREIGN ASSETS CONTROL

Russian Harmful Foreign Activities Sanctions Regulations

31 CFR Part 587

GENERAL LICENSE NO. 91

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

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

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

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

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

(b) The authorization in paragraph (a) of this general license applies to the following blocked persons listed on the Office of Foreign Assets Control's Specially Designated Nationals and Blocked Persons List and any entity in which any of the following persons own, directly or indirectly, individually or in the aggregate, a 50 percent or greater interest:

(1) Ladoga Shipping Company Limited Liability Company;

(2) JSC Polar Marine Geosurvey Expedition;

(3) Yuzhmorgeologiya AO;

(4) Sevmorneftegeofizika AO; and

(5) Amige AO.

(c) This general license does not authorize:

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

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

(3) Any transactions related to the sale of crude oil or petroleum products of Russian Federation origin;

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

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

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

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

Dated: February 23, 2024.

OFFICE OF FOREIGN ASSETS CONTROL

Russian Harmful Foreign Activities Sanctions Regulations

31 CFR Part 587

GENERAL LICENSE NO. 91A

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

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

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

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

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

(b) The authorization in paragraph (a) of this general license applies to the following blocked persons listed on the Office of Foreign Assets Control's Specially Designated Nationals and Blocked Persons List and any entity in which any of the following persons own, directly or indirectly, individually or in the aggregate, a 50 percent or greater interest:

(1) Ladoga Shipping Company Limited Liability Company;

(2) JSC Polar Marine Geosurvey Expedition;

(3) Yuzhmorgeologiya AO;

(4) Sevmorneftegeofizika AO

(5) Amige AO; and

(6) Joint Stock Company Sovcomflot.

(c) This general license does not authorize:

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

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

(3) Any transactions related to the sale of crude oil or petroleum products of Russian Federation origin;

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

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

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

(d) Effective February 23, 2024, General License No. 91, dated February 23, 2024, is replaced and superseded in its entirety by this General License No. 91A.

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

Dated: February 23, 2024.

OFFICE OF FOREIGN ASSETS CONTROL

Russian Harmful Foreign Activities Sanctions Regulations

31 CFR Part 587

GENERAL LICENSE NO. 92

Authorizing the Offloading of Cargo From Sovcomflot Vessels

(a) Except as provided in paragraph (b) of this general license, all transactions prohibited by Executive Order (E.O.) 14024 that are ordinarily incident and necessary to the delivery and offloading of cargo from any vessel identified on the Office of Foreign Assets Control's List of Specially Designated Nationals and Blocked Persons that is blocked solely due to a property interest of Joint Stock Company Sovcomflot (Sovcomflot), or any entity in which Sovcomflot owns, directly or indirectly, a 50 percent or greater interest, are authorized through 11:59 p.m. eastern daylight time, April 8, 2024, provided that the cargo was loaded prior to February 23, 2024.

(b) This general license does not authorize:

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

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

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

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

Bradley T. Smith,

Director, Office of Foreign Assets Control.

Dated: February 23, 2024.

OFFICE OF FOREIGN ASSETS CONTROL

Russian Harmful Foreign Activities Sanctions Regulations

31 CFR Part 587

GENERAL LICENSE NO. 93

Authorizing Transactions Involving Certain Sovcomflot Vessels

(a) Except as provided in paragraph (b) of this general license, all transactions prohibited by Executive Order (E.O.) 14024 involving any vessel that is blocked solely due to a property interest of Joint Stock Company Sovcomflot or any entity in which Sovcomflot owns, directly or indirectly, a 50 percent or greater interest, are authorized, provided that such vessel is not identified on the Office of Foreign Assets Control's List of Specially Designated Nationals and Blocked Persons.

(b) This general license does not authorize:

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

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

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

Bradley T. Smith,

Director, Office of Foreign Assets Control.

Dated: February 23, 2024.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2024–05990 Filed 3–20–24; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 587

Publication of Russian Harmful Foreign Activities Sanctions Regulations Web General License 83A

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Publication of web general license.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing one general license (GL) issued pursuant to the Russian Harmful Foreign Activities Sanctions Regulations: GL 83A, which was previously made available on OFAC's website.

DATES: GL 83A was issued on February 20, 2024. See **SUPPLEMENTARY INFORMATION** for additional relevant dates.

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

SUPPLEMENTARY INFORMATION:

Electronic Availability

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

Background

On December 22, 2023, OFAC issued GL 83 to authorize certain transactions otherwise prohibited by the Russian Harmful Foreign Activities Sanctions Regulations, 31 CFR part 587. Subsequently, OFAC issued one further iteration of GL 83: on February 20, 2024, OFAC issued GL 83A, which superseded GL 83. Each GL was made available on OFAC's website (*https://ofac.treasury.gov*) when it was issued. The text of GL 83A is provided below.

OFFICE OF FOREIGN ASSETS CONTROL

Russian Harmful Foreign Activities Sanctions Regulations

31 CFR Part 587

GENERAL LICENSE NO. 83A

Authorizing Certain Transactions Related to Imports of Certain Categories of Fish, Seafood, and Preparations Thereof Prohibited by Executive Order 14068

(a) Except as provided in paragraph (b) of this general license, all transactions prohibited by the determination of December 22, 2023 made pursuant to section 1(a)(i)(B) of Executive Order (E.O.) 14068, as amended by E.O. 14114 (''Prohibitions Related to Imports of Certain Categories of Fish, Seafood, and Preparations Thereof''), that are ordinarily incident and necessary to the importation into the United States of seafood derivative products that were loaded onto a vessel at the port of loading prior to 12:01 a.m. eastern standard time on February 20, 2024, pursuant to written contracts or written agreements entered into prior to December 22, 2023, are authorized through 12:01 a.m. eastern daylight time, May 31, 2024.

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

(c) Effective February 20, 2024, General License No. 83, dated December 22, 2023, is replaced and superseded in its entirety by this General License No. 83A.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

Dated: February 20, 2024.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2024–05989 Filed 3–20–24; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 591

Publication of Venezuela Sanctions Regulations Web General License 45B

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Publication of Web General License.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing one general license (GL) issued pursuant to the Venezuela Sanctions Regulations: GL 45B, which was previously made available on OFAC's website.

DATES: GL 45B was issued on February 29, 2024. See **SUPPLEMENTARY INFORMATION** for additional relevant dates.

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

SUPPLEMENTARY INFORMATION:

Electronic Availability

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

Background

On February 29, 2024, OFAC issued GL 45B to authorize certain transactions otherwise prohibited by the Venezuela Sanctions Regulations (VSR), 31 CFR part 591. The GL was made available on OFAC's website (*https://ofac.treasury.gov*) when it was issued. GL 45B supersedes GL 45A, which was issued on November 16, 2023. The text of GL 45B is provided below.

OFFICE OF FOREIGN ASSETS CONTROL

Venezuela Sanctions Regulations

31 CFR Part 591

GENERAL LICENSE NO. 45B

Authorizing Certain Repatriation Transactions Involving Consorcio Venezolano de Industrias Aeronáuticas y Servicios Aéreos, S.A.

(a) Except as provided in paragraph (b) of this general license, all transactions ordinarily incident and necessary to the repatriation of Venezuelan nationals from non-U.S. jurisdictions in the Western Hemisphere to Venezuela, and which are exclusively for the purposes of such repatriation, involving Consorcio Venezolano de Industrias Aeronáuticas y Servicios Aéreos, S.A. (Conviasa), or any entity in which Conviasa owns, directly or indirectly, a 50 percent or greater interest, that are prohibited by Executive Order (E.O.) 13850, as amended by E.O. 13857, or E.O. 13884, each as incorporated into the Venezuela Sanctions Regulations, 31 CFR part 591 (the VSR), are authorized.

Note to paragraph (a). The authorization in paragraph (a) of this general license includes transactions for the maintenance (including repair) of the aircraft being used for such repatriation flights.

(b) This general license does not authorize any transactions otherwise prohibited by the VSR, including any transactions involving any person blocked pursuant to the VSR other than the blocked persons described in paragraphs (a) of this general license, Government of Venezuela persons blocked solely pursuant to E.O. 13884, Banco Central de Venezuela, or Banco de Venezuela SA Banco Universal.

(e) Effective February 29, 2024, General License No. 45A, dated November 16, 2023, is replaced and superseded in its entirety by this General License No. 45B.

Note to General License No. 45B. Nothing in this general license relieves any person from compliance with any other Federal laws or requirements of other Federal agencies, including export, reexport, and transfer (in-country) licensing requirements maintained by the Department of Commerce's Bureau of Industry and Security under the Export Administration Regulations, 15 CFR parts 730–774.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

Dated: February 29, 2024.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2024–06031 Filed 3–20–24; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 594

Publication of Global Terrorism Sanctions Regulations Web General License 29

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Publication of web general license.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing one general license (GL) issued pursuant to the Global Terrorism Sanctions Regulations: GL 29, which was previously made available on OFAC's website.

DATES: GL 29 was issued on March 11, 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 March 11, 2024, OFAC issued GL 29 to authorize certain transactions otherwise prohibited by the Global Terrorism Sanctions Regulations, 31 CFR part 594. GL 29 was made available on OFAC's website (*https://ofac.treasury.gov*) when it was issued. The text of this GL is provided below.

OFFICE OF FOREIGN ASSETS CONTROL

Global Terrorism Sanctions Regulations

31 CFR Part 594

GENERAL LICENSE NO. 29

Authorizing the Wind Down of Transactions Involving Haleel Commodities LLC

(a) Except as provided in paragraph (b) of this general license, all transactions prohibited by the Global Terrorism Sanctions Regulations, 31 CFR part 594 (GTSR), that are ordinarily incident and necessary to the wind down of any transaction involving Haleel Commodities LLC (Haleel Commodities), or any entity in which Haleel Commodities owns, directly or indirectly, a 50 percent or greater interest, are authorized through 12:01 a.m. eastern daylight time, April 10, 2024, provided that any payment to a blocked person is made into a blocked account in accordance with the GTSR.

(b) This general license does not authorize any transactions otherwise prohibited by the GTSR, including transactions involving any person blocked pursuant to the GTSR other than the blocked persons described in paragraph (a) of this general license, unless separately authorized.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

Dated: March 11, 2024.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2024–06033 Filed 3–20–24; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2024–0143]

RIN 162–AA08

Special Local Regulation; Bonita Tideway, Brigantine, NJ

AGENCY: Coast Guard, Department of Homeland Security (DHS).

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary special local regulation for the navigable waters of the Bonita Tideway, near Brigantine, NJ. This action is needed to provide for the safety of life on these navigable waters during a rowing regatta on March 29, 2024, and March 30, 2024. This rule prohibits persons and vessels from being in the regulated area during the enforcement periods unless authorized entry by the Captain of the Port (COTP), Delaware Bay, or a designated representative.

DATES: This rule is effective from 3 p.m. on March 29, 2024, until 3 p.m. on March 30, 2024.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2024–0143 in the search box and click ''Search.'' Next, in the Document Type column, select ''Supporting & Related Material.''

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, call or email MST1 Christopher Payne, Waterways Management Division, Sector Delaware Bay, U.S. Coast Guard; telephone (267) 515–7294, email *SecDelBayWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port, Sector Delaware Bay
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
PATCOM Patrol Commander
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable and contrary to the public interest to do so. There is insufficient time to allow for a reasonable comment period prior to the event, given that the rule must be in force by March 29, 2024, to serve its purpose. In addition, and for the same reason, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70041. The COTP has determined that the rowing regatta could pose a risk to participants or waterway users if normal vessel traffic were allowed to interfere with the event. Possible hazards include risks of participant injury or death from near or actual collisions with non-participant vessels traversing through the regulated area.

IV. Discussion of the Rule

This rule establishes a special local regulation from 3 p.m. on March 29, 2024, until 3 p.m. on March 30, 2024, to protect participants in a rowing regatta and non-participants as well. The special local regulation will be enforced from 3 p.m. to 8 p.m. on March 29, 2024, and from 7 a.m. to 3 p.m. on March 30, 2024. The regulated area covers all navigable waters of Bonita Tideway in Brigantine, NJ, within a polygon bounded by the following: originating on the northern portion at approximate position latitude 39°24′33″ N, longitude 074°22′28″ W; thence southwest across the Bonita Tideway to the shoreline to latitude 39°24′22″ N, longitude 074°22′49″ W; thence southwest along the shoreline to latitude 39°23′49″ N, longitude 074°23′33″ W; thence across the Bonita Tideway to the shoreline at latitude 39°23′43″ N, longitude 074°23′33″ W; thence north along the shoreline to the point of origin. The duration of the zone is intended to ensure the safety of participants and waterway users before, during, and after the scheduled rowing regatta. No vessel or person will be permitted to enter the regulated area without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size and duration of the regulated area, which would impact a small, designated area of the Bonita Tideway. Vessels will be able to transit the regulated area during the enforcement period as directed by the Event Patrol Commander (PATCOM) or official patrol vessel.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

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

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

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a special local regulation lasting 15 hours over 2 days that will prohibit or restrict entry within the regulated area during a rowing regatta. It is categorically excluded from further review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 100

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

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

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

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

■ 2. Add § 100.T599–0040 to read as follows:

§ 100.T599–0040 Marine Regatta; Bonita Tideway, Brigantine, NJ.

(a) *Regulated area.* All navigable waters of the Bonita Tideway, in Brigantine, NJ, within the polygon bounded by the following: originating on the northern portion at approximate position latitude 39°24′33″ N, longitude 074°22′28″ W; thence southwest across the Bonita Tideway to the shoreline to latitude 39°24′22″ N, longitude 074°22′49″ W; thence southwest along the shoreline to latitude 39°23′49″ N, longitude 074°23′33″ W; thence across the Bonita Tideway to the shoreline at latitude 39°23′43″ N, longitude 074°23′33″ W; thence north along the shoreline to the point of origin. These coordinates are based on North American Datum 83 (NAD83).

(b) *Definitions.* As used in this section—

Captain of the Port Representative or *COTP Representative* means a commissioned, warrant, or petty officer of the Coast Guard designated by name by the Captain of the Port to verify an event's compliance with the conditions of its approved permit.

Event Patrol Commander or *Event PATCOM* means any vessel assigned or approved by the respective Captain of the Port with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign, or any state or local law enforcement vessel approved by the Captain of the Port in accordance with current local agreements.

Non-participant means a person or a vessel not registered with the event sponsor either as a participant or an official patrol vessel.

Official patrol vessel or *official patrol* means any vessel assigned or approved by the respective Captain of the Port with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign, or any state or local law enforcement vessel approved by the Captain of the Port in accordance with current local agreements.

Participant means any person or vessel registered with the event sponsor as participating in the event or otherwise designated by the event sponsor as having a function tied to the event.

(c) *Patrol of the marine event.* The COTP may assign one or more official patrol vessels, as described in § 100.40, to the regulated event. The Event PATCOM will be designated to oversee the patrol. The patrol vessel and the Event PATCOM may be contacted on VHF–FM Channel 16. The Event PATCOM may terminate the event, or the operation of any vessel participating in the marine event, at any time if deemed necessary for the protection of life or property.

(d) *Regulations*—(1) *Controls on vessel movement.* The Event PATCOM or official patrol vessel may forbid and control the movement of all persons and vessels in the regulated area(s). When hailed or signaled by an official patrol vessel, the person or vessel being hailed must immediately comply with all directions given. Failure to do so may

result in expulsion from the area, citation for failure to comply, or both.

(2) *Directions, instructions, and minimum speed necessary.* (i) The operator of a vessel in the regulated area must stop the vessel immediately when directed to do so by an official patrol vessel and then proceed only as directed.

(ii) A person or vessel must comply with all instructions of the Event PATCOM or official patrol vessel.

(iii) A non-participant must contact the Event PATCOM or an official patrol vessel to request permission to either enter or pass through the regulated area. If permission is granted, the non-participant may enter or pass directly through the regulated area as instructed by the Event PATCOM or official patrol vessel at a minimum speed necessary to maintain a safe course that minimizes wake and without loitering.

(3) *Postponement or cancellation.* The COTP, or Event PATCOM, may postpone or cancel a marine event at any time if, in the COTP's sole discretion, the COTP determines that cancellation is necessary for the protection of life or property.

(e) *Enforcement periods.* This section is subject to enforcement from 3 p.m. to 8 p.m. on March 29, 2024, and from 7 a.m. to 3 p.m. on March 30, 2024.

Dated: March 15, 2024.

Kate F. Higgins-Bloom,

Captain, U.S. Coast Guard, Captain of the Port, Delaware Bay.

[FR Doc. 2024–06015 Filed 3–20–24; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2024–0209]

RIN 1625–AA00

Safety Zone, Delaware River, Camden, NJ

AGENCY: Coast Guard, Department of Homeland Security (DHS).

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters within a 500-yard radius of the USS New Jersey during active dead ship tow operations. The USS New Jersey will be transiting from berth in Camden, NJ, to Paulsboro, NJ, and then over to the Navy Yard in Philadelphia, PA. The safety zone, which will only be enforced during active towing operations, is needed to protect personnel, vessels, and the marine environment from potential hazards created by the dead ship tow. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port, Sector Delaware Bay.

DATES: This rule is effective from March 21, 2024, through March 31, 2024, but will only be subject to enforcement when active tow operations are in progress.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2024–0209 in the search box and click ''Search.'' Next, in the Document Type column, select ''Supporting & Related Material.''

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, call or email MST2 Matthew Izso, Waterways Management U.S. Coast Guard; telephone 267–515–7294, email *Matthew.R.Izso@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port, Sector Delaware Bay
DHS Department of Homeland Security
FR Federal Register
GT Gross Tonnage
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule under authority in 5 U.S.C. 553(b)(B). This statutory provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' The Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable to publish an NPRM, consider comments, and publish a final rule by March 21, 2024, when the safety zone will be needed.

Also, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable because there are fewer than 30 days remaining before the safety zone must be in effect.

III. Legal Authority and Need for Rule

A dead ship tow evolution consists of towing vessels moving a ship greater than 100GT (Gross Tonnage) that is not under its own command and not using its own propelling machinery. The Captain of the Port, Sector Delaware Bay (COTP) has determined that potential hazards associated with the USS New Jersey dead ship tow, such as the vessel having limited maneuverability, and having no main propulsion, will be a safety concern for anyone within a 500-yard radius of the vessel during the towing operations. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the vessel is being towed. The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034.

IV. Discussion of the Rule

This rule establishes a safety zone which will be in effect from March 21, 2024, until March 31, 2024, but which will only be enforced during active dead ship tow operations. The safety zone will cover all navigable waters within 500-yards of the USS New Jersey. The duration of the safety zone, and the periods during which it will be enforced, have been and will be, respectively, tailored to protect personnel, vessels, and the marine environment in these navigable waters while tow operations are active in order to minimize impacts on other uses of the waterway to those which are necessary. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, duration, the fact that the safety zone will only to periods during which its protections are actually needed, and the location of the safety zone. This rule will impact a 500-yard radius around the USS New Jersey, and then only during active dead ship tow operations.

B. Impact on Small Entities

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

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting from March 21, 2024, until March 31, 2024, that will prohibit entry within 500-yards of the USS New Jersey only during active dead ship tow operations. It is categorically excluded from further review under paragraph L[60a] of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.3.

■ 2. Add § 165.T05–0209 to read as follows:

§ 165.T05–0209 Safety Zone; Delaware River, Camden, NJ.

(a) *Location.* The following area is a safety zone: All waters within 500-yards of the USS New Jersey, from surface to bottom.

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Delaware Bay (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative by VHF–FM Channel 16. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement period:* This section will be enforced during active dead ship tow operations, which will occur between March 21, 2024, and March 31, 2024. Notification of an enforcement period will come via broadcast notice to mariners.

Dated: March 15, 2024.

K.F. Higgins-Bloom,

Captain, U.S. Coast Guard, U.S. Coast Guard, Captain of the Port Sector Delaware Bay.

[FR Doc. 2024–06017 Filed 3–20–24; 8:45 am]

BILLING CODE 9110–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket Nos. 03–123, 10–51; FCC 23–116; FR ID 209179]

Video Relay Service Improvements

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (FCC or Commission) modifies its rules to promote improvement in the efficacy and quality of video relay service (VRS) supported by the Interstate Telecommunications Relay Services (TRS) Fund. The modifications: increase the portion of monthly VRS minutes that may be handled by communications assistants (CAs) working at home; reduce the amount of prior interpreting experience required of VRS CAs who work at home; and allow VRS providers to use contract CAs, subject to conditions, for up to 30% of their monthly call minutes. These changes increase providers' flexibility to hire communications assistants from a wider pool of qualified sign-language interpreters. The Commission also modifies its rules to improve the process for registered VRS users to place calls to the United States while traveling abroad.

DATES:

Effective Date: This rule is effective April 22, 2024, except for the amendments to § 64.604(c)(5)(iii)(D)(*8*), (d)(1)(iii)(C), (d)(2)(iv), and (d)(6), at instruction 3, which are delayed indefinitely. The Federal Communications Commission will publish a document in the **Federal Register** announcing the effective dates.

Compliance Date: The compliance date for amended § 64.604(d)(7)(i) is October 17, 2024.

FOR FURTHER INFORMATION CONTACT: Joshua Mendelsohn, Disability Rights Office, Consumer and Governmental Affairs Bureau (CGB), at 202–559–7304, or *Joshua.Mendelsohn@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, in CG Docket Nos. 03–123 and 10–51, FCC 23–116, adopted on December 19, 2023, released on December 20, 2023. The Commission previously sought comment on these issues in a Notice of Proposed Rulemaking (*2022 VRS Improvements Notice*), published at 87 FR 75199, Dec. 8, 2022. The full text of this document is available electronically via the FCC's website at *https://docs.fcc.gov/public/attachments/FCC-23-116A1.pdf* or via the Commission's Electronic Comment Filing System (ECFS) website at *www.fcc.ecfs.* To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530.

Synopsis

Background

Under section 225 of the Communications Act of 1934, as amended (the Act), the Commission must ensure that TRS are available ''to the extent possible and in the most efficient manner'' to persons ''in the United States'' who are deaf, hard of hearing, or deafblind, or who have speech disabilities, so that they can communicate by telephone in a manner that is functionally equivalent to voice communication service. 47 U.S.C. 225(a)(3), (b)(1). VRS, a form of TRS, enables people with hearing or speech disabilities who use sign language to communicate with voice telephone users over a broadband connection using a video communication device. Providers of VRS are compensated from the Interstate TRS Fund for service provided in accordance with applicable rules.

Anti-Fraud Rules. More than ten years ago, a wave of fraud and abuse plagued the VRS program and threatened its long-term sustainability. In response, the Commission prohibited or restricted a number of VRS provider practices that it found had increased the likelihood of fraud and abuse. In 2011, the Commission amended its rules to prohibit the handling of VRS calls by CAs working at home. In addition, the Commission prohibited an eligible (*i.e.,* FCC-certified) VRS provider from contracting with or otherwise authorizing any third party to provide interpretation services or call center functions (including call distribution, call routing, call setup, mapping, call features, billing, and registration) on its behalf, unless that authorized third party also is an eligible VRS provider. Also in 2011, the Commission restricted compensation of VRS providers for calls to the United States from foreign locations.

Subsequent Reauthorization of At-Home VRS Call Handling. In 2017, recognizing that anti-fraud safeguards and advances in network technology appeared to have reduced the fraud and abuse risks associated with CAs working at home, the Commission authorized a pilot program whereby participating VRS providers could permit some CAs to work at home, so long as the provider complied with specified personnel, technical, and environmental safeguards, as well as monitoring, oversight, and reporting requirements. In 2020, the Commission further amended its rules to allow at-home call-handling on a permanent basis, subject to safeguards similar to those of the pilot program. The current rules limit at-home call handling to a maximum of 50% of a provider's monthly VRS minutes and require that CAs working at home have at least three years of American Sign Language (ASL) interpreting experience.

COVID–19 Pandemic Waivers. During the outbreak of the COVID–19 pandemic, VRS providers reported sharp increases in call volumes and decreases in call center staffing. Providers moved more CAs to home workstations to comply with social distancing requirements and stay-at-home orders. In addition, travel became unpredictable, and some VRS users were stranded abroad. To address these extraordinary circumstances, CGB, on its own motion, temporarily waived the following VRS rules: (1) the cap on the percentage of VRS providers' minutes that may be handled at home workstations; (2) certain rules governing how at-home call handling is conducted and overseen by providers, including the requirement that CAs working at home have three years' interpreting experience; (3) the prohibition on contracting for interpretation services with third parties who are not also certified VRS providers; and (4) the restriction on compensation for VRS calls placed to the United States from abroad by registered VRS users. Due to the pandemic's continuing impact on VRS operations, all the above waivers were extended for additional periods in successive orders.

Petition for Rulemaking. On June 4, 2021, the Commission received a petition requesting that the Commission initiate a rulemaking proceeding to modify the rules limiting VRS minutes handled by CAs working at home and prohibiting the use of contract CAs. Arguing that VRS providers' record of service under the pandemic waivers justifies allowing more flexibility on a permanent basis, the petitioner urged the Commission to raise the percentage of permitted VRS at-home call-handling to 80% of a provider's monthly minutes and to allow a VRS provider to use contract CAs for up to 30% of its monthly minutes.

Notice of Proposed Rulemaking. On June 30, 2022, the Commission released

a Notice of Proposed Rulemaking to amend certain rules that had been partially waived due to the pandemic emergency. The Commission proposed to: increase from 50% to 80% the portion of monthly VRS minutes that may be handled by CAs working at home; reduce or eliminate the requirement that VRS CAs who work from home must have at least three years of interpreting experience; allow VRS providers to use contract CAs for up to 30% of their monthly call minutes; and allow TRS Fund compensation for calls placed by registered VRS users to the United States from outside the country, for up to one year after leaving the country, as long as they notify their provider of such travel at any time before placing such a call.

CAs Working at Home

Cap on At-Home Minutes. The Commission adopts its proposal to increase from 50% to 80% the percentage of a VRS provider's monthly minutes that may be handled by CAs working at home. Raising the cap on at-home call handling will allow VRS providers to continue hiring from an expanded pool of ASL interpreters, and thereby improve the efficiency and effectiveness of their services. Such increased flexibility allows VRS providers to operate more efficiently and maintain or improve service quality.

The Commission allows CAs to work at home because this option lets VRS providers hire CAs from an expanded, nationwide pool of ASL interpreters, and thereby improve the efficiency and effectiveness of their services. Providers can attract and retain qualified CAs for whom working at the companies' call centers is not a practical option, and there is evidence that working at home can reduce CA stress and improve productivity and performance. The Commission concludes that these benefits can be increased by continuing to allow VRS providers more flexibility to let their CAs work at home. Such hiring flexibility has taken on enhanced importance due to the continuing shortage of sign language interpreters willing to work as VRS CAs. In addition, post-pandemic, many VRS CAs have become acclimated to working at home and are reluctant to return to call centers.

The Commission concludes that additional costs resulting from this rule will be minimal. Because TRS Fund compensation is set for multi-year periods, providers generally have an incentive to avoid or reduce unnecessary costs, as the increased profits that result can be kept and no offsetting rate reduction is likely before the end of the compensation period. Therefore, VRS providers generally are unlikely to increase their reliance on CAs working at home unless doing so enables a net reduction in cost. Further, as noted above, allowing more minutes to be handled by such CAs will expand the pool of potential job candidates and help alleviate the shortage of qualified interpreters available for VRS work. In addition, an expanded labor supply also would tend to limit the wages and benefits that VRS providers must offer to recruit qualified CAs.

The Commission also concludes that the safeguards of its at-home rules are sufficient to prevent adverse effects on call confidentiality and service quality, and reduce the risk of waste, fraud, and abuse. Anecdotal incidents, which can be addressed through enforcement of the existing safeguards, do not justify reimposing a cap that could constrict the available supply of qualified VRS CAs. A commenter expressed concerns that raising the cap would reduce the availability of in-person interpreting services in the community. The Commission's mandate under the Act is to ensure that relay services are available to eligible users. 47 U.S.C. 225. Expanding the opportunities for sign-language interpreters to work at home as VRS CAs will further that mandate. Further, such opportunities can encourage more entry into the field of sign-language interpreters—and encourage more qualified interpreters to continue in the profession—by enabling them to combine part-time work as VRS CAs with community interpreting assignments.

While, for the most part, VRS providers are unlikely to add more at-home CAs if doing so will detract from service quality, the Commission is unpersuaded that unlimited at-home interpreting should be allowed. In light of past and present concerns in this area, the Commission concludes the safer course is to require a minimum level of call center staffing. Requiring that at least 20% of monthly minutes be handled in a call center provides assurance that each provider will continue to maintain sufficient call center staffing so that newly hired or inexperienced CAs can benefit from in-person supervision or mentoring by CAs with VRS experience. Although the cap has been waived for several years, no provider has relied exclusively on at-home CAs. Thus, arguments that service quality would be unaffected by complete removal of the cap have not been empirically tested. Further, an 80% cap allows VRS providers ample flexibility to hire from an expanded pool of candidates and honor CAs' work preferences. Indeed, the record provides no persuasive evidence that an 80% cap will adversely affect any provider's ability to hire qualified CAs or to provide high-quality service. The Commission notes that the rule allows two alternative methods for calculating the at-home minutes cap, making compliance easier to achieve when total minutes cannot be accurately predicted for a given month. In the future, if such evidence emerges, this issue may be revisited.

The Commission also declines a VRS provider's suggestion that the rule should continue to apply a 50% cap to newly certified VRS providers pending their achievement of a record of compliance. New applicants are required to demonstrate that they will comply with all applicable minimum TRS standards. Any compliance concerns that the Commission may have regarding a particular applicant for new or renewed certification as a VRS provider may be addressed by adding appropriate conditions for the certification of that applicant.

Given that the cap has been entirely waived since the onset of the COVID–19 pandemic, and that the current waivers are extended through the compliance date of this rule amendment, the Commission understands that some providers may currently have more than 80% of their CAs working at home. Ending the current waiver immediately upon the effective date of the amended rule could require such VRS providers to immediately terminate the employment of some CAs for whom working at a call center may be impractical. In light of the shortage of CAs, the Commission determines that a transition period of six months is needed to allow those VRS providers that currently exceed the cap an opportunity to bring their work forces into compliance with the 80% cap without terminating the employment of any CAs. The Commission therefore establishes a compliance date of six months after the effective date of this rule change.

Experience Requirement for CAs Working at Home. The Commission modifies the prior experience requirement for VRS CAs working at home, reducing the required amount of prior ASL interpreting experience from three years to one year. The year of experience may be acquired through professional ASL interpreting, either full-time or equivalent part-time, whether in a community, business, VRS, or other context. This modification—in conjunction with increasing the cap on

at-home minutes—will help ensure a sufficient supply of qualified VRS CAs after the current waivers expire. Further, the record does not show that this change will significantly affect the quality of VRS. The rule will continue to require that any VRS CA allowed to work at home has the experience, skills, and knowledge necessary to effectively interpret VRS calls without in-person supervision, has learned the provider's protocols for at-home call handling, and understands and follows the TRS mandatory minimum standards. Further, VRS providers must provide at-home CAs with the same support and supervision as CAs in call centers. These rules, coupled with the technical requirements for effective supervision, provide assurance that teleworking CAs will handle calls efficiently and effectively in the home environment. In addition, retaining a one-year experience requirement provides a metric for further assurance that CAs working at home have a baseline level of practical field experience. Providers' reports of their practices over the last three years, while the at-home experience requirement was waived, support the Commission's belief that competition will help ensure that VRS providers continue to prioritize training and screening of CAs, including those they allow to work at home. Finally, the Commission finds it unlikely that allowing providers more flexibility in hiring CAs will cause a net increase in the cost of VRS.

The Commission shares to some extent the concern that, when interpreters are still learning their craft, training and supervision are generally more effective when conducted in person, rather than remotely. Therefore, the Commission retains a requirement that CAs working at home have at least one year of interpreting experience. Retaining a one-year experience requirement ensures that CAs with very limited interpreting experience are subject to in-person supervision.

The Commission recognizes that providers have allowed CAs with less than three years' experience to work at home while this requirement has been waived, and some of those CAs may not meet the one-year experience requirement as of the date the new rule goes into effect. To prevent disruption of the VRS industry and CAs' personal lives, the Commission grandfathers in those CAs working at home as of the effective date of this rule amendment, as long as they meet all other interpreter qualification and at-home requirements.

The Commission declines to convert the experience requirement into an equivalent number of minutes of calls handled. The prior experience requirement can be met via full-time or equivalent part-time experience, and part-time experience is typically quantified in hours. Timing a CA's prior experience in minutes would place an unnecessary burden on applicants for CA employment. The Commission also declines to require that prior experience be acquired solely from in-person interpreting. Because it is gained in a remote context analogous to VRS, Video Remote Interpreting experience is relevant to a CA's qualifications to provide VRS, whether at-home or in a call center.

Other issues. The Commission clarifies that at-home workplace inspections may be conducted either in-person or virtually, as long as such inspections are consistent with the provider's at-home compliance plan and are effective in determining whether the CA's home workstation and workspace are in compliance with the at-home safeguards.

The Commission does not require that CAs annually self-certify that they have complied with the FCC's at-home rules. The record does not provide evidence or examples to substantiate concerns that there are gaps in implementation of our existing rules governing at-home CAs and that certain CAs are either not properly informed of their responsibilities or do not have sufficient incentive to comply. VRS providers are required to effectively train and supervise at-home CAs and are responsible for their CAs' compliance with the minimum TRS standards. In light of the resulting incentives for VRS providers to ensure CA quality and rule compliance, additional regulation of providers' internal processes appears unnecessary. Therefore, the Commission finds that a retrospective CA certification of compliance would not significantly improve on the requirements already in place.

Contracting for CAs

The Commission adopts its proposal to allow VRS providers to contract for interpretation services for up to 30% of their monthly call minutes. The record confirms that this change, like others adopted in this Report and Order, will help maintain efficient, effective relay service despite the continuing shortage of VRS CAs. Authorizing contractual CA service will allow providers flexibility to continue retaining the services of qualified ASL interpreters who prefer not to sign up as VRS provider employees. Contract CAs also can help providers respond to short term fluctuations in both demand and CA availability. By contrast, reinstating the ban on contract CAs may decrease the flexibility of VRS providers to meet demand, for example, when a weather event causes both a spike in traffic and the closing of a call center, potentially compromising the overall quality of service for many VRS users.

In the three years during which the CA contracting restriction has been waived, the Commission has not received any evidence of resulting fraud, waste, or abuse. The Commission concludes that, by limiting the percentage of a VRS provider's traffic handled by contractors and by adopting safeguards, the Commission can safely authorize limited use of contractors while preventing a recurrence of the troubled history of subcontracting video interpreters from uncertified providers. The Commission also concludes that, as with the less restrictive at-home rules adopted herein, the provider economic incentives inherent in a multi-year compensation plan make it unlikely that less restrictive contracting rules will result in higher VRS cost.

The Commission adopts the following safeguards to enable the Commission to effectively oversee the use of contract CAs. The Commission requires a VRS provider to: maintain and allow inspection by the Commission and TRS Fund Administrator of all records describing CA services provided under contract (in addition to the contracts themselves and any amendments), including any invoices and correspondence regarding such services; identify, in its monthly call data reports, each entity with which it has contracted for interpretation services and the number of conversation minutes handled by each, as well as the CAs working on a contract basis; and identify in its annual reports each entity with which it has contracted for interpretation services and the number of conversation minutes handled by each in the year covered by the report.

To reduce incentives for fraud and abuse, a provision of the Commission's current rules prohibits VRS providers from providing compensation or other benefits to CAs in any manner that is based upon the number of VRS minutes or calls that the CA relays, either individually or as part of a group. The Commission amends this provision to clarify that this prohibition applies to compensation or other benefits provided to an agency or other entity with which a VRS provider contracts for CA services. The Commission also amends the rule to expressly prohibit VRS providers from paying contractors based on session or conversation minutes. That is, a CA who contracted to work four hours on each of two days would

receive a flat rate for each hour of availability, without regard to call minutes actually handled during those eight hours.

The Commission emphasizes that current rules require that VRS must be offered in the name of—and billed to the TRS Fund by—the certified VRS provider, in a manner that clearly identifies that entity as the provider of the service. Further, the Commission's rules governing CAs who work at home remain applicable when contract CAs are working at home. For example, the monitoring and oversight obligations of the at-home rules also apply to home workstations of contract CAs, and these home workstations are subject to a VRS provider's obligation to conduct random and unannounced inspections of at least five percent of all home workstations, including their home environments, in each 12-month period. As another example, a VRS provider must ensure that each contract CA working at home has learned the provider's protocols for at-home call handling, and understands and follows the TRS mandatory minimum standards set out in this section. If a VRS provider allows contract CAs to work at home, it is the VRS provider's responsibility to ensure compliance with each provision of paragraph (d)(7) of § 64.604 of the Commission's rules, as well as all other applicable minimum TRS standards. To the extent that a VRS provider wishes to delegate certain oversight tasks to an agency that employs such CAs, it may do so, but the VRS provider must ensure compliance with the Commission's rules, whether by including specific oversight provisions in its contract with the agency, or otherwise.

The Commission does not believe it is necessary for its rules to address speculative concerns regarding potential disclosure by contractors of a provider's trade secrets and the application of tax law to contract CAs. The Commission does not require any VRS provider to use contract CAs, and VRS providers are responsible for complying with all Federal and State laws on taxation or other matters affecting contracted CAs, as with their own employees.

International Calling Restrictions

The Commission adopts the proposed modification of its rule on VRS calls originating from international IP addresses and terminating in the United States. As modified, the rule permits compensation for such calls during a travel period of up to one year, if the user's default VRS provider has been notified of the user's travel at any time prior to placing such calls. In other words, a VRS provider may request compensation for any such call placed after receiving the required notice from the user. The required notice need only be given once for each period of travel. The content of the required notification must include the specific regions of travel, the date of departure from the United States, and the approximate date when the individual intends to return to the United States.

By allowing users to notify their providers any time before making the first compensable call from abroad (rather than before leaving the United States, as required by the current rule), this amendment aligns better with functional equivalence. The current requirement to notify before leaving the country may unnecessarily restrict users from calling the United States while traveling abroad, for example, in unforeseen circumstances or emergencies when the user may not have anticipated needing to make a call. The record does not indicate that the less restrictive approach the Commission adopts will impose additional costs on VRS providers or users. By reducing the unnecessarily broad application of the international calling rule, the amendment may reduce administrative costs incurred by providers, the TRS Fund administrator, and Commission staff to implement the rule. Further, this change will not increase any risk of waste, fraud, or abuse, given the effective anti-fraud measures currently in place.

This amendment also codifies the declaratory ruling issued by the Commission in June 2022, which interpreted the existing rule to allow compensation for international calls placed by a registered user who is traveling outside the United States for up to one year. As explained in the June 2022 ruling, the prior interpretation of the rule, under which a VRS user's travel period could not exceed four weeks, imposed unnecessary restrictions on VRS use by consumers who are traveling internationally. That interpretation was adopted at a time when the VRS program was plagued by fraud and abuse. Since then, the Commission's anti-fraud measures, including requirements for call validation and user verification in the TRS User Registration Database, appear to have been effective in suppressing illegal VRS calling. Prior to the June 2022 Ruling and pursuant to the pandemic waiver orders, the prohibition on calling the United States from abroad was largely waived; in the three years since the outbreak of the pandemic, the Commission has not received evidence of waste, fraud, or abuse resulting from this waiver.

One year is an appropriate maximum period for international travel and is consistent with section 225 of the Act, which directs the Commission to ensure the availability of TRS to persons with hearing or speech disabilities ''in the United States.'' The Commission requires that compensable calls must either originate or terminate in the United States, and that, to register for internet-based TRS, a consumer must establish that he or she is a U.S. resident, at least on a temporary basis. Persons who may use TRS in the United States include temporary residents, such as foreign students attending colleges and universities in the United States. One year is long enough to cover most reasons why U.S. residents would be traveling abroad and is a reasonable ''default'' time limit to prevent the use of TRS funds to support VRS calls by persons who can no longer be considered U.S. residents.

The Commission adopts the proposed exception to the one-year maximum time period for calls to or from the United States by registered VRS users who are U.S. military personnel, Federal Government employees, or Federal contractors (or their accompanying immediate family members) temporarily stationed outside the United States. A family member would be eligible for this exception even if the Federal military person, employee, or contractor does not use VRS. Under this exception, the content of the required notification to the default provider must include the specific regions of foreign assignment, the date of departure from the United States, the contemplated end date for the foreign assignment, and confirmation that the user (or a family member of the user) is a member of the military services, or is employed by a Federal Government agency or Federal contractor, and is temporarily stationed outside the United States. If the user's foreign assignment does not contain an end date, the user may specify an end date that is one year after the date of departure. If the assignment lasts longer, the user may follow the extension procedures discussed herein. This exception will apply for the duration of the user's (or family member's) foreign assignment plus an additional time period following the end of such assignment to allow the user additional time to travel abroad and return to the United States. If the foreign assignment is extended or a change in the foreign assignment adds another international region, the user must notify his or her default provider of the new end date or new region of the assignment to continue making VRS calls during such

extension or new region (plus the permitted additional time period). Further, if the intended end date of the foreign assignment is not known or otherwise unavailable as of the time of notification to the default VRS provider, the notification may specify, as the end date, a date that is one year from the date of departure from the United States, or, for extensions beyond one year, in one-year intervals from the prior specified end date. The Commission also applies this exception to individuals placing calls to the United States from U.S. military and government organizations with enterprise VRS registrations.

The Commission declines to expand this exception to include U.S. private-sector employees who are asked to work abroad by their U.S. employers, as well as the accompanying family members of such employees. As noted above, one year is long enough to cover most reasons why U.S. residents would be traveling abroad, other than U.S. military and government workers for which extended time abroad is not uncommon. Further, enforcement of this limit with respect to U.S. military personnel, Federal Government employees, and Federal contractors is relatively straightforward due to their official roles and well-documented assignments. Extending the exception to include private-sector employees and their family members is likely to pose more significant enforcement challenges, potentially increasing the risk of misuse or exploitation of the exception by individuals who are no longer U.S. residents by virtue of their extended time abroad.

Technical Correction to TRS Rules

The Commission adopts a technical amendment of the Commission rules, proposed in December 2022, and published at 88 FR 7049, February 2, 2023, to clarify the inflation adjustment factor for IP Relay compensation.

The annual inflation adjustment factor for IP Relay compensation, adopted in June 2022, and published at 87 FR 42656, July 18, 2022, is based on the Employment Cost Index compiled by the Bureau of Labor Statistics, U.S. Department of Labor, for total compensation for private industry workers in professional, scientific, and technical services. The Commission directed the TRS Fund administrator to specify in its annual TRS Fund report the index values for each quarter of the previous calendar year and the last quarter of the year before that. The Commission also directed the TRS Fund administrator to propose the IP Relay compensation level for the next TRS Fund year by adjusting the compensation level from the previous year by a percentage equal to the percentage change in the index between the fourth quarter of the calendar year ending before the filing of its annual report and the fourth quarter of the preceding calendar year.

The method of determining the inflation adjustment factor is codified in § 64.640(d) of the Commission's rules. We revise the text of the rule to clarify the description of the inflation adjustment factor, to eliminate any ambiguity as to how the inflation adjustment factor is calculated.

Congressional Review Act

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

Paperwork Reduction Act

This document contains modified information collection requirements, which are not effective until approval is obtained from the Office of Management and Budget (OMB). As part of its continuing effort to reduce paperwork burdens, the Commission will invite the general public to comment on the information collection requirements as required by the Paperwork Reduction Act of 1995, Public Law 104–13. The Commission will publish a separate document in the **Federal Register** announcing approval of the information collection requirements. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, 44 U.S.C. 3506(c)(4), the Commission previously sought comment on how the Commission might ''further reduce the information burden for small business concerns with fewer than 25 employees.'' 87 FR 75199, Dec. 8, 2022.

Final Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act of 1980, as amended (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the Notice of Proposed Rulemaking (Notice) published at 87 FR 75199, December 8, 2022. The Commission sought written public comment on the proposals in the Notice, including comment on the IRFA.

Need for, and Objective of, the Proposed Rules. The amended rules in the Report and Order increase VRS providers' flexibility to provide efficient, effective relay service, supported by the Interstate TRS Fund, for individuals with hearing and speech disabilities despite the continuing shortage of VRS CAs, without sacrificing the Commission's goals of reducing waste, fraud and abuse within the VRS industry. *See* 47 U.S.C. 225(b)(1) (directing the Commission to ensure the availability of TRS to the extent possible and in the most efficient manner). The Report and Order increases from 50% to 80% the cap on call minutes that can be handled by VRS CAs from home work stations, reduces the three-year experience requirement for at-home VRS CAs to one year (waiving the one-year requirement for VRS CAs working at home as of the effective date), and allows VRS providers to contract for interpretation services from external sources for up to 30% of their monthly call minutes. The purpose of these changes is to increase the pool of available VRS CAs and allow VRS providers more flexibility in their internal operations.

The Report and Order also modifies the rule restricting compensation from the TRS Fund for VRS calls to the United States from foreign locations. Currently, to be able to place such calls, VRS users must notify their default VRS provider prior to departure from the United States. Since the Commission adopted that rule, it has implemented the TRS User Registration Database (User Database) with detailed requirements for VRS user registration and identity verification. The Commission also removes the pre-departure notification requirement, allowing VRS users to make calls to the United States as long as they notify their provider of their travel status any time prior to placing such calls. The Commission also codifies its earlier Declaratory Ruling that VRS providers may allow VRS calls to the United States by a registered user for up to one year while the user is abroad. As an exception to the one-year limitation, United States military personnel and Federal Government workers and contractors (and members of their immediate families) who are stationed abroad to make compensable VRS calls to the United States for the duration of their required service overseas.

Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration. The Chief Counsel did not file any comments in response to the proposed rules in this proceeding.

Small Entities Impacted. The proposals will affect obligations of VRS providers. These services can be included within the broad economic

category of All Other Telecommunications.

Description of Reporting, Recordkeeping, and Other Compliance Requirements. The amended rules modify the reporting, recordkeeping or other compliance obligations of certain small and other entities that provide VRS. The Commission is not in a position to determine whether these new rules will require small entities to hire attorneys, engineers, consultants, or other professionals, but notes that the adopted rules primarily build upon existing compliance requirements.

In amending its rules on VRS providers' employment of CAs working at home, the Commission makes those rules less restrictive, increasing from 50% to 80% the percentage of a VRS provider's monthly call minutes that may be handled by at-home CAs. The rule's recordkeeping and reporting requirements, which require that records be kept on home workstations and that calls handled at home be identified in a provider's monthly call detail reports, are not changed.

The Commission also adopts a rule change removing the prior prohibition on VRS providers' employment of contract CAs and permitting contract CAs to handle up to 30% of a provider's total monthly call minutes. VRS providers who exercise this new option to employ contract CAs will be required to maintain records of interpretation services provided by contractors; identify, in their call detail reports, the VRS minutes handled by contract CAs; and include contractor data in their semiannual call center reports.

Additionally, the Commission codifies its Declaratory Ruling allowing VRS providers to be compensated from the TRS Fund when VRS users make calls to the United States from foreign locations while traveling for a period of up to one year, provided that VRS users notify their default VRS providers of their travel plans any time before they start making such calls. As an exception to the one year limitation on each travel period, Federal employees, contractors, and their immediate family members who are stationed abroad can make VRS calls from foreign locations for the duration of their service assignment (plus an additional 90 days) after notifying their default VRS provider of such assignment. The amended rule includes modified recordkeeping and reporting requirements regarding these less restrictive requirements.

Steps Taken to Minimize Significant Impact on Small Entities, and Significant Alternatives Considered. The Commission has considered various proposals from small and other entities. Additionally, the Commission has considered alternative proposals and weighed their benefits against their potential costs to small and other entities. The rule changes allow VRS providers greater flexibility in offering improved service to consumers, particularly in the areas of increasing work-from home capabilities for CAs, increased use of contract CAs and in revisions to international calling restrictions.

Participation in the at-home call-handling program would continue to be optional for VRS providers. Small VRS providers will benefit from this rule change as it enlarges the pool of qualified ASL interpreters from which they can hire CAs. Further, the associated regulatory requirements are already required as part of the at-home call-handling program and have been found necessary to prevent waste, fraud, and abuse of the TRS Fund by ensuring that CAs are subject to proper supervision and accountability. The Commission considered a proposal for unlimited at-home call handling, but rejected it because of the need to ensure that each provider will continue to maintain sufficient call center staffing so that newly hired or inexperienced CAs can benefit from in-person supervision or mentoring by CAs with VRS experience.

The rule modification to permit VRS providers to hire contract CAs is also designed to increase the pool of American Sign Language interpreters available and willing to work as VRS CAs. Hiring contract CAs, which will be optional for VRS providers, will provide flexibility to small entities seeking to control their staffing costs. While additional reporting and recordkeeping requirements will apply to VRS providers of all sizes that are using contract CAs, these steps are necessary to prevent waste, fraud, and abuse of the TRS Fund by ensuring that contract CAs are subject to proper supervision and accountability.

The codification of the one-year travel period for which VRS users may make compensated calls to the United States from foreign locations includes a modification of an existing rule requiring that VRS providers maintain information on VRS users who are traveling abroad. This tracking of data is an essential part of VRS providers' ability to obtain TRS Fund compensation. The rule amendments also allow compensation for VRS calls placed to the United States by Federal military, employees, contractors, and their immediate family members during their tours of duty abroad, even if longer than one year. The requirements as modified are necessary to prevent waste, fraud, and abuse of the TRS Fund by ensuring that only U.S. residents are permitted to make VRS calls to the United States from abroad. As an alternative, the Commission considered expanding the exception to include international calls placed by U.S. private-sector employees (and accompanying family members) asked to work abroad by their U.S employers; however, such a rule would lead to a more complex enforcement process and, by extension, create significant economic burdens for small entities that may lack the financial resources to effectively comply.

Ordering Clauses

Accordingly, *it is ordered* that, pursuant to sections 1, 2, 3, and 716 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 153, 617, the foregoing Report and Order is adopted and the Commission's rules are amended.

List of Subjects in 47 CFR Part 64

Individuals with disabilities, Telecommunications, Telecommunications relay services.

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, 617, 620, 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 F—Telecommunications Relay Services and Related Customer Premises Equipment for Persons With Disabilities

■ 2. Effective April 22, 2024, amend § 64.604 by:
■ a. Removing the introductory text;
■ b. Removing and reserving paragraphs (a)(6) and (7) and (b)(8);
■ c. Adding a reserved paragraph (c)(5)(iii)(D)(*8*);
■ d. Removing and reserving paragraphs (c)(5)(iii)(N) and (c)(12);
■ e. Revising paragraph (d); and

■ f. Adding paragraph (e).

The revisions and additions read as follows:

§ 64.604 Mandatory minimum standards.

* * * * *

(c) * * *

(5) * * *

(iii) * * *

(D) * * *

(*8*) [Reserved]

* * * * *

(d) *Additional provisions applicable to VRS*—(1) *Eligibility for reimbursement from the TRS Fund.* (i) Only an eligible VRS provider, as defined in paragraph (c)(5)(iii)(F) of this section, may hold itself out to the general public as providing VRS.

(ii) VRS service must be offered under the name by which the eligible VRS provider offering such service became certified and in a manner that clearly identifies that provider of the service. Where a TRS provider also utilizes sub-brands to identify its VRS, each sub-brand must clearly identify the eligible VRS provider. Providers must route all VRS calls through a single URL address used for each name or sub-brand used.

(iii)(A) Except as otherwise provided in this paragraph (iii), an eligible VRS provider shall not contract with or otherwise authorize any third party to provide call center functions (including call distribution, call routing, call setup, mapping, call features, billing, and registration) on its behalf, unless that authorized third party also is an eligible provider.

(B) An eligible VRS provider may contract with third parties to provide interpretation services for up to a maximum of the greater of:

(*1*) Thirty percent (30%) of a VRS provider's total minutes for which compensation is paid in that month; or

(*2*) Thirty percent (30%) of the provider's average projected monthly conversation minutes for the calendar year, according to the projections most recently filed with the TRS Fund administrator.

(C) [Reserved]

(iv) To the extent that an eligible VRS provider contracts with or otherwise authorizes a third party to provide any other services or functions related to the provision of VRS other than interpretation services or call center functions, that third party must not hold itself out as a provider of VRS, and must clearly identify the eligible VRS provider to the public. To the extent an eligible VRS provider contracts with or authorizes a third party to provide any services or functions related to marketing or outreach, and such services utilize VRS, those VRS minutes are not compensable on a per minute basis from the TRS fund.

(v) All third-party contracts or agreements entered into by an eligible provider must be in writing. Copies of such agreements shall be made available to the Commission and to the TRS Fund administrator upon request.

(2) *Call center reports.* VRS providers shall file a written report with the Commission and the TRS Fund administrator, on April 1st and October 1st of each year for each call center that handles VRS calls that the provider owns or controls, including centers located outside of the United States, that includes:

(i) The complete street address of the center;

(ii) The number of individual CAs and CA managers; and

(iii) The name and contact information (phone number and email address) of the manager(s) at the center. VRS providers shall also file written notification with the Commission and the TRS Fund administrator of any change in a center's location, including the opening, closing, or relocation of any center, at least 30 days prior to any such change.

(iv) [Reserved]

(3) *Compensation of CAs.* VRS providers shall not compensate, give a preferential work schedule to, or otherwise benefit a CA, or an agency or other entity with which a VRS provider contracts for interpretation services, in any manner that is based upon the number of VRS session or conversation minutes or calls that a CA relays, either individually or as part of a group.

(4) *Remote training session calls.* VRS calls to a remote training session or a comparable activity will not be compensable from the TRS Fund when the provider submitting minutes for such a call has been involved, in any manner, with such a training session. Such prohibited involvement includes training programs or comparable activities in which the provider or any affiliate or related party thereto, including but not limited to its subcontractors, partners, employees or sponsoring organizations or entities, has any role in arranging, scheduling, sponsoring, hosting, conducting or promoting such programs or activities.

(5) *Visual privacy screens/idle calls.* A VRS CA may not enable a visual privacy screen or similar feature during a VRS call. A VRS CA must disconnect a VRS call if the caller or the called party to a VRS call enables a privacy screen or similar feature for more than five minutes or is otherwise unresponsive or unengaged for more than five minutes, unless the call is a 9–1–1 emergency call or the caller or called party is legitimately placed on hold and is present and waiting for active communications to commence. Prior to disconnecting the call, the CA must announce to both parties the intent to terminate the call and may reverse the decision to disconnect if one of the parties indicates continued engagement with the call.

(6) *International calls.* VRS calls that originate from an international IP address will not be compensated, with the exception of calls made by a U.S. resident who has pre-registered with his or her default provider prior to leaving the country, during specified periods of time while on travel and from specified regions of travel, for which there is an accurate means of verifying the identity and location of such callers. For purposes of this section, an international IP address is defined as one that indicates that the individual initiating the call is located outside the United States.

(7) *At-home VRS call handling*—(i) *Limit on minutes handled.* Beginning October 17, 2024, in any calendar month, a VRS provider authorized by the Commission to employ at-home CAs may be compensated for minutes handled from home workstations up to a maximum of the greater of:

(A) Eighty percent (80%) of a VRS provider's total minutes for which compensation is paid in that month; or

(B) Eighty percent (80%) of the provider's average projected monthly conversation minutes for the calendar year, according to the projections most recently filed with the TRS Fund administrator.

(ii) *Personnel safeguards.* A VRS provider shall:

(A) Allow a CA to work at home only if the CA is a qualified interpreter with at least one year of full-time or equivalent part-time professional interpreting experience, has the experience, skills, and knowledge necessary to effectively interpret VRS calls without in-person supervision, has learned the provider's protocols for at-home call handling, and understands and follows the TRS mandatory minimum standards set out in this section, except that any CAs working at home as of April 22, 2024 are not required to have at least one year of experience as long as they meet all other interpreter qualifications specified in this paragraph (d)(7)(ii)(A); and

(B) Provide at-home CAs equivalent support to that provided to CAs working from call centers, including, where appropriate, the opportunity to team-interpret and consult with supervisors, and ensure that supervisors are readily

available to resolve problems that may arise during a relay call.

(iii) *Technical and environmental safeguards.* A VRS provider shall ensure that each home workstation enables the provision of confidential and uninterrupted service to the same extent as the provider's call centers and is seamlessly integrated into the provider's call routing, distribution, tracking, and support systems. Each home workstation shall:

(A) Reside in a separate, secure workspace where access during working hours is restricted solely to the CA;

(B) Allow a CA to use all call-handling technology to the same extent as call-center CAs;

(C) Be capable of supporting VRS in compliance with the applicable mandatory minimum standards set out in this section to the same degree as at call centers;

(D) Be equipped with an effective means to prevent eavesdropping and outside interruptions; and

(E) Be connected to the provider's network over a secure connection to ensure caller privacy.

(iv) *Monitoring and oversight obligations.* A VRS provider shall:

(A) Inspect each home workstation and its home environment to confirm their compliance with paragraph (d)(7)(iii) of this section before activating the workstation for use;

(B) Assign a unique workstation identification number to each VRS home workstation;

(C) Equip each home workstation with monitoring technology sufficient to ensure that off-site supervision approximates the level of supervision at the provider's call center and regularly analyze the records and data produced by such monitoring to proactively address possible waste, fraud, and abuse;

(D) Keep all records pertaining to home workstations, except records of the content of interpreted conversations, for a minimum of five years; and

(E) Conduct random and unannounced inspections of at least five percent (5%) of all home workstations, including their home environments, in each 12-month period.

(v) *Commission audits and inspections.* Home workstations and workstation records shall be subject to review, audit, and inspection by the Commission and the TRS Fund administrator and unannounced on-site inspections by the Commission to the same extent as call centers and call center records subject to the rules in this chapter.

(vi) *Monthly reports.* With its monthly requests for compensation, a VRS provider employing at-home CAs shall report the following information to the TRS Fund administrator for each home workstation:

(A) The home workstation identification number and full street address (number, street, city, State, and zip code);

(B) The CA identification number of each individual handling VRS calls from that home workstation; and

(C) The call center identification number, street address, and name of supervisor of the call center responsible for oversight of that workstation.

(8) *Discrimination and preferences.* A VRS provider shall not:

(i) Directly or indirectly, by any means or device, engage in any unjust or unreasonable discrimination related to practices, facilities, or services for or in connection with like relay service,

(ii) Engage in or give any undue or unreasonable preference or advantage to any particular person, class of persons, or locality, or

(iii) Subject any particular person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage.

(e) *Other standards.* The applicable requirements of § 9.14 of this chapter and §§ 64.611, 64.615, 64.621, 64.631, 64.632, 64.5105, 64.5107, 64.5108, 64.5109, and 64.5110 are to be considered mandatory minimum standards.

■ 3. Delayed indefinitely, further amend § 64.604 by adding paragraphs (c)(5)(iii)(D)(8), (d)(1)(iii)(C), and (d)(2)(iv) and revising paragraph (d)(6) to read as follows:

§ 64.604 Mandatory minimum standards.

* * * * *

(c) * * *

(5) * * *

(iii) * * *

(D) * * *

(*8*) *Calls handled by contractors.* A VRS provider that contracts for interpretation services shall identify in its monthly call data reports each entity with which it has contracted for interpretation services, each CA working on a contract basis, and the number of conversation minutes handled by each such CA.

* * * * *

(d) * * *

(1) * * *

(iii) * * *

(C) A VRS provider that contracts for interpretation services shall maintain records of all services provided by contracting CAs or agencies. If a VRS provider allows contract CAs to work at home, the VRS provider remains obligated to comply with each provision of 47 CFR 64.604(d)(7).

* * * * *

(2) * * *

(iv) The name and contact information (phone number and email address) of each individual, agency, and other entity with which it has contracted for interpretation services and the number of conversation minutes handled by each such contractor during the six-month period.

* * * * *

(6) *International calls.* (i) VRS calls that originate from an international IP address shall not be compensated, except in accordance with this section. For purposes of this section, an international IP address is defined as one that indicates that the individual initiating the call is located outside the United States and its territories.

(ii) A VRS provider may seek TRS Fund compensation for VRS calls placed to the United States by a United States resident who is a registered VRS user, provided that:

(A) Such calls are placed one year or less after the VRS user departs the United States; and

(B) At any time prior to placing such calls, the VRS user notifies the user's default provider of the specific region(s) of travel, the date of departure from the United States, and the intended date of return to the United States.

(iii) A registered VRS user may request approval from the Commission's Disability Rights Office for an extension of the one-year international calling period. Such request shall specify the extended return date and include a showing that the user's primary residence remains in the United States, even though the user will remain outside the United States longer than one year. Upon approval of such an extension, the user shall notify the user's default VRS provider of the extended return date, and the provider may seek compensation for international calls placed by the user through the end of such extended return date.

(iv) A VRS provider may seek TRS Fund compensation for VRS calls placed to the United States, pursuant to an individual or enterprise VRS registration, by a United States resident who is a United States military or Federal Government employee or contractor temporarily stationed abroad, or a parent, spouse, or child of such employee or contractor, provided that:

(A) Such calls are placed either during the period of such foreign assignment or within 90 days after its end date; and

(B) At any time prior to placing such calls, the registered VRS user, or the Relay Official or other responsible individual designated in an enterprise registration, notifies the default VRS provider of the specific regions of foreign assignment, the date of departure from the United States, and the intended end date of the foreign assignment, and that the user (or a parent, spouse, or child of the user) is a United States military or Federal Government employee or contractor, and is temporarily stationed outside the United States. If the foreign assignment is extended, the registered VRS user, or the Relay Official or other responsible individual designated in an enterprise registration, shall notify the default VRS provider of the extended end date of such foreign assignment and of any change of the region where the employee or contractor is stationed.

(C) If the intended end date of the foreign assignment is not known or otherwise unavailable as of the time of notification to the default VRS provider, the notification may specify, as the end date, a date that is one year from the date of departure from the United States, or, for extensions beyond one year, in one-year intervals from the prior specified end date.

* * * * *

■ 4. Effective April 22, 2024, amend § 64.606 by revising paragraphs (a)(2)(ii)(A)(*2*) and (a)(4) to read as follows:

§ 64.606 Internet-based TRS provider and TRS program certification.

(a) * * *

(2) * * *

(ii) * * *

(A) * * *

(*2*) Operating more than five call centers within the United States, a copy of each deed or lease for a representative sampling (taking into account size (by number of communications assistants) and location) of five call centers operated by the applicant within the United States, together with a list of all other call centers that they operate that includes the information required under § 64.604(d)(2).

* * * * *

(4) *At-home VRS call handling.* An applicant for initial VRS certification that desires to provide at-home VRS call handling shall include a detailed plan describing how the VRS provider will ensure compliance with the requirements of § 64.604(d)(7).

* * * * *

■ 5. Effective April 22, 2024, amend § 64.640 by revising paragraph (d) to read as follows:

§ 64.640 Compensation for IP Relay.

* * * * *

(d) The inflation adjustment factor for a Fund Year (IF_{FY}), to be determined annually on or before June 30, is equal to the difference between the Initial value and the Final value, as defined herein, divided by the Initial value. The Initial value and Final value, respectively, are the values of the Employment Cost Index compiled by the Bureau of Labor Statistics, U.S. Department of Labor, for total compensation for private industry workers in professional, scientific, and technical services, for the following periods:

(1) *Final value.* The fourth quarter of the Calendar Year ending 6 months before the beginning of the Fund Year; and

(2) *Initial value.* The fourth quarter of the preceding Calendar Year.

* * * * *

[FR Doc. 2024–05942 Filed 3–20–24; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 23–406; RM–11969; DA 24–199; FR ID 209372]

Television Broadcasting Services; Greenville, South Carolina; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: The Federal Communications Commission published a document in the **Federal Register** of March 13, 2024, concerning a rulemaking filed by Carolina Christian Broadcasting, Inc., licensee of WGGS–TV, channel 2, Greenville, South Carolina, requesting substitution of channel 29 for channel 2 at Greenville in the Table of TV Allotments. The document contained an incorrect effective date.

DATES: Effective March 21, 2024.

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

SUPPLEMENTARY INFORMATION:

Correction

In FR Doc. 2024–05307, in the **Federal Register** of March 13, 2024, on page 18364, in the second column, correct the **DATES** caption to read:

DATES:

Effective date: This rule is effective March 21, 2024.

Applicability date: This rule is applicable beginning March 13, 2024.

Dated: March 14, 2024.

Thomas Horan,

Chief of Staff, Media Bureau.

[FR Doc. 2024–05987 Filed 3–20–24; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 240311–0077]

RIN 0648–BJ85

International Affairs; Antarctic Marine Living Resources Convention Act

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

ACTION: Final rule.

SUMMARY: This final rule sets forth changes to the Antarctic Marine Living Resources Convention Act of 1984 (AMLRCA) regulations, including those that implement the trade-monitoring program for frozen and fresh *Dissostichus* species, commonly marketed or referred to as Chilean seabass or Patagonian toothfish. Specifically, this action: revises regulations that specify the circumstances under which NMFS would deny issuance of a preapproval certificate that is required to legally import frozen *Dissostichus* species; adds regulations that specify the circumstances under which NMFS would deny issuance of a re-export or export document that is required to legally re-export or export both frozen and fresh *Dissostichus* species; clarifies that the applicable authorization must be received prior to re-export or export; and removes the prohibition on the importation of *Dissostichus* species harvested from the Food and Agriculture Organization of the United Nations (FAO) Statistical Areas 51 and 57. NMFS also makes other non-substantive technical and procedural updates.

DATES: This rule is effective April 22, 2024.

FOR FURTHER INFORMATION CONTACT: Mi Ae Kim, Office of International Affairs, Trade, and Commerce (IATC), NMFS (phone 301–427–8365, or email *mi.ae.kim@noaa.gov*).

SUPPLEMENTARY INFORMATION:

Background

The United States is a contracting party to the Convention on the

Conservation of Antarctic Marine Living Resources (Convention) and a member of the governing body established under the Convention—the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR or Commission). During its annual meetings, the Commission formulates and adopts conservation measures (CM) that apply to fishing for Antarctic marine living resources in the Convention Area, which generally consists of the Southern Ocean. AMLRCA, codified at 16 U.S.C. 2431, *et seq.,* provides the statutory authority for the United States to carry out its obligations under the Convention. Under section 307(b)(1) of AMLRCA, 16 U.S.C. 2436(b), the Secretary of Commerce has authority to promulgate regulations as necessary and appropriate to implement AMLRCA. Acting under a delegation of that authority, the Assistant Administrator for Fisheries has implemented Commission-adopted conservation measures that are binding on the United States through regulations at 50 CFR part 300, subpart G. NMFS proposed changes to its AMLRCA regulations on May 5, 2023 (88 FR 29043), and the public comment period on that proposed rule ended on June 5, 2023, but was reopened until June 30, 2023 (88 FR 39216, June 15, 2023). Further background is provided in the proposed rule (88 FR 29043, May 5, 2023), and, therefore, is not repeated here.

To inhibit trade of illegal catches, CCAMLR adopted CM 10–05, which established an electronic Catch Documentation Scheme (CDS) for tracking of *Dissostichus* species from harvest through the trade cycle, including transshipment, landing, import, export, and re-export, regardless of where the fish were harvested. Under the regulations at 50 CFR part 300, subpart G, the Assistant Administrator implemented the CCAMLR CDS, among other U.S. requirements, as a part of U.S. monitoring of trade in Antarctic marine living resources. Those regulations require a preapproval certificate for importation of frozen *Dissostichus* species, 50 CFR 300.105(a). For re-export or export of frozen or fresh product, those regulations require an electronically-generated *Dissostichus* re-export document (DRED), § 300.106(f)(1)(ii) or export document (DED), § 300.106(g)(1)(ii), respectively. As explained in more detail below, this final rule revises regulations at section 300.105 that apply to issuance of preapproval certificates required for importation of frozen *Dissostichus* species, adds new regulations to section 300.106 that apply to issuance of DREDs and DEDs, and makes corresponding changes to the prohibitions under § 300.114.

In addition, NMFS is clarifying that a person must receive the electronically-generated DRED or DED required for re-export or export of *Dissostichus* species before re-exporting or exporting any shipments.

Lastly, NMFS is updating references to the Antarctic Conservation Act (ACA) (16 U.S.C. 2401, *et seq.,* as amended) and associated regional agreements, and contact information at NMFS and the Department of State for reporting violations of conservation measures adopted by CCAMLR.

These regulatory revisions are further explained below.

Required Import and Trade Authorizations for Dissostichus Species and Prohibitions

1. Revisions to prevent issuance of documents authorizing import, re-export, or export of illegally-harvested *Dissostichus* species.

U.S. regulations provide that: ''No shipment of *Dissostichus* species shall be released for entry into the United States unless accompanied by an accurate, complete, valid and validated CCAMLR CDS document.'' 50 CFR 300.106(a)(2). This applies to all shipments, whether or not the subject *Dissostichus* species were harvested within or outside of the Convention Area and regardless of whether the respective harvesting vessel is flagged to a CCAMLR contracting party or a non-contracting party cooperating with CCAMLR by participating in the CDS. See 50 CFR 300.106(a)(1). Regulations that apply to issuance of preapproval certificates for importation of frozen *Dissostichus* species at § 300.105(h) provide the circumstances when NMFS will not issue a preapproval certificate. This final rule revises 50 CFR 300.105(h) by adding that NMFS will not issue a preapproval certificate for any shipment of frozen *Dissostichus* species determined to have been taken, possessed, transported, or sold in violation of:

- Any foreign law or regulation; or
- Any treaty within the meaning of section 2 of article II of the U.S. Constitution.

In addition, under this final rule, NMFS will not issue a preapproval certificate for any shipment of frozen *Dissostichus* species determined to have been taken, possessed, transported, or sold in contravention of any binding conservation measure adopted by an international agreement or organization to which the United States is a party. This implements the prohibition on such imports under other existing federal law, *e.g.,* section 307(1)(Q) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1857(1)(Q), and the Lacey Act, 16 U.S.C. 3372(a)). By implementing this prohibition, NMFS aligns the bases for denying preapprovals with prohibitions under other laws and avoids a possible scenario where a preapproval certificate is issued for product determined to be subject to enforcement action.

Because this prohibition applies without geographic condition, NMFS will deny a preapproval certificate for *Dissostichus* species illegally harvested or transshipped outside the Convention Area, including within foreign exclusive economic zones or high seas areas under the competence of a regional fisheries management organization or other international agreement or organization.

This final rule also revises regulations to implement the prohibition on the export and re-export of *Dissostichus* species determined to have been harvested in a manner inconsistent with CCAMLR conservation measures provided in the conservation measure that established the CCAMLR CDS. Specifically, this final rule revises regulations at § 300.106(f)(1)(ii) and (g)(1)(ii) to provide that NMFS will not issue a DRED or DED when *Dissostichus* species are harvested or transshipped in contravention of a CCAMLR conservation measure in force, AMLRCA, or the regulations of this subpart. In addition, NMFS revises these paragraphs to include, as relevant, the bases for denial that are added to § 300.105(h) (preapproval certificates) as discussed above. As with preapproval certificates, these bases for denial of a DRED or a DED will prevent a situation where NMFS issues a re-export or export document for *Dissostichus* species that is prohibited from trade and that may be subject to an enforcement action under other existing Federal law (*e.g.,* Section 307(1)(Q) of the Magnuson-Stevens Act and the Lacey Act, 16 U.S.C. 3372(a)).

The final rule makes corresponding revisions to the prohibitions under § 300.114(o).

2. Removal of the prohibition on imports of *Dissostichus* species from FAO Statistical Areas 51 and 57.

This final rule removes the prohibition on the importation of *Dissostichus* species harvested from FAO Statistical Areas 51 and 57 in what was § 300.105(h)(1) and 300.114(o). The removal of this prohibition is appropriate because the management, monitoring, and control of fishing for

Dissostichus species in the Southern and Indian Oceans have much improved since 2003, when this prohibition was implemented. For example, CCAMLR has enabled verification of *Dissostichus* species harvest locations reported in CDS documents, through vessel monitoring system (VMS) reporting requirements for vessels participating in *Dissostichus* species fisheries and processes for comparing CDS data with relevant catch data. In addition, NMFS, as a condition for issuance of a preapproval certificate for importation of frozen *Dissostichus* species, requires verifiable documentation that a harvesting vessel reported positions to CCAMLR's centralized VMS from port-to-port in real-time regardless of harvest location (50 CFR 300.105(d)).

With these improvements, along with the Southern Indian Ocean Fisheries Agreement (SIOFA) management of bottom-fishing activities in the Indian Ocean including the high seas portions of Statistical Areas 51 and 57, the prohibition on imports from these areas is no longer warranted.

Other Technical and Administrative Changes

1. Online application for a preapproval certificate.

The Office of International Affairs, Trade, and Commerce has made the application process for preapproval certificates available online, including the ability to access forms, submit required information, and complete payment through a web portal. This process is in addition to options for applying by mail or email using the portable document format application form. The online application decreases the processing time for preapproval certificates and serves to facilitate entry processing for importers. This final rule revises § 300.105 by deleting the requirement to provide information ''in writing,'' and by noting that applications for a preapproval certificate are available from NMFS instead of NMFS Headquarters and the National Seafood Inspection Laboratory. This final rule removes the National Seafood Inspection Laboratory from the list of definitions in § 300.101.

2. Clarification on when a person must receive an electronically-generated DRED or DED.

Under § 300.106(f)(1)(ii) and (g)(1)(ii), a person must receive an electronically-generated DRED or DED in order to re-export or export *Dissostichus* species from the United States. To ensure clarity on the timing of this requirement, this final rule revises § 300.106(f)(1)(ii) and (g)(1)(ii) to explicitly provide that a person must receive the electronically-generated DRED or DED *before* shipments of *Dissostichus* species are re-exported or exported, consistent with the obligations of CCAMLR CM 10–05.

3. Updates to reflect the ACA, as amended.

Congress amended the ACA to implement the Protocol on Environmental Protection to the Antarctic Treaty (Protocol) and as part of those amendments the statute was renamed the ''Antarctic Conservation Act.'' This final rule updates § 300.101 to reflect that renaming. In addition, this final rule revises § 300.102(b) to replace the reference to Agreed Measures for the Conservation of Antarctic Fauna and Flora, which is no longer in effect, with the Protocol. Similarly, this final rule removes a reference to the Agreed Measures in § 300.113(c)(1), removes a reference to the Protocol in § 300.113(a)(2) as there is no protected system under the Protocol that would apply to CCAMLR Ecosystem Monitoring Program (CEMP) sites, and updates a reference to specially protected areas regulated under the ACA.

4. Update to contact information for reporting violations of CCAMLR conservation measures.

This final rule updates the contact information under § 300.115 for reporting any violations of CCAMLR conservation measures observed in the Convention Area.

Changes From the Proposed Rule

With the exception of a minor, non-substantive editorial correction in § 300.107(a)(3) to correct a misspelling, this final rule includes no changes to the regulatory text that was published in the proposed rule.

Responses to Public Comments

NMFS received several public comments on the proposed rule, addressed below.

Comment 1. A commenter strongly supports the rule as it would contribute to fisheries monitoring and management.

Response 1. We appreciate the support.

Comment 2. For preapproval certificate applications, commenters noted that the proposed rule does not explain the process NMFS would use for determining violations of foreign laws and regulations pursuant to the new regulatory language. A commenter suggested adding a process for challenging or appealing a preapproval denial decision.

Response 2. The intent of this action is to align the bases for denying preapprovals, or re-export or export documents, with prohibitions under other existing federal laws. When processing preapproval applications under the current regulations, NMFS routinely checks that regulatory requirements have been met before issuance of a preapproval certificate. Such checks include compliance with CCAMLR measures, whether the vessel harvesting the product reported to the CCAMLR central-vessel monitoring system during its fishing trip, and that the product is accompanied by the required, accurate, complete, valid, and validated CDS document(s). As with enforcement matters, NMFS would consider all relevant information when evaluating whether violations of laws or regulations have occurred, including the history, nature, circumstances, extent, duration, and gravity of activities of concern. NMFS may also consult with relevant nation(s). However, NMFS does not have the resources or capacity to proactively investigate potential activities of concern occurring around the world. When NMFS determines that *Dissostichus* species product to be imported was taken, possessed, transported, or sold in violation of any foreign laws or regulations, this final rule clarifies that NMFS has the authority to deny issuance of preapprovals (and re-export or export documents) for those products. If NMFS denies preapproval, it will document the basis for that decision in a written response to the applicant. This final rule does not provide an administrative procedure to challenge a denial. Such a decision by NMFS constitutes final agency action and therefore is subject to judicial review in a federal district court.

Comment 3. Several commenters referred to NMFS' denial of a preapproval certificate to import *Dissostichus* species harvested in waters surrounding South Georgia in a recent fishing season, expressing concern that the new basis for denial in this action (denial of a preapproval certificate for shipments of *Dissostichus* species determined to have been taken, possessed, transported or sold in violation of any foreign law or regulation or in contravention of any binding conservation measure adopted by an international agreement or organization in which the United States is a party) is related to that denial.

Response 3. NMFS issued the decision referenced in these comments—to deny a preapproval certificate for *Dissostichus* species that were harvested in Statistical Subarea 48.3 (which includes the waters around South Georgia)—on September 15, 2022. That decision was based on a specific

CCAMLR conservation measure and existing regulations at 50 CFR 300.105(d) and (h)(2). This final rule is unrelated to that September 15, 2022, decision, and does not change those regulatory provisions except for making a technical change to renumber subparagraph (h)(2) as (h)(1). Thus, NMFS does not view this final rule as having any effect on the regulatory authority that the agency relied on in reaching that decision.

Comment 4. Related to the comments directly above about issuance of preapproval certificates, several commenters raised concerns that this rule would lead to more frequent denials of imports of *Dissostichus* species. Commenters also expressed concerns that the circumstances under which NMFS would deny issuance of a preapproval certificate may lead to uncertainty about what can be imported into the United States, or may enable foreign governments to disrupt what is imported into the United States for politically motivated reasons.

Response 4. Section 307(1)(Q) of the Magnuson-Stevens Act prohibits, among other things, imports or exports of any fish taken, possessed, transported, or sold in violation of any foreign law or regulation or any treaty or in contravention of any binding conservation measure adopted by an international agreement or organization to which the United States is a party. 16 U.S.C. 1857(1)(Q). This prohibition has been in place for almost 20 years; similar provisions in the Lacey Act (16 U.S.C. 3372(a)) have been in place for much longer. To our knowledge, these prohibitions have not caused uncertainty about what can be imported into the United States or prompted changes to foreign laws or regulations with the intention of disrupting U.S. commerce. Moreover, because these prohibitions already exist, this final rule does not expand the scope of product that would be illegal to import. Instead, this final rule revises the *Dissostichus* species trade monitoring program regulations consistent with these prohibitions. This revision in this final rule clarifies that preapproval certificates will not be issued for product that would be subject to enforcement action if imported.

Comment 5. A commenter seeks confirmation that the United States will continue to comply with the procedural requirements of CM 10–05, including the obligation under paragraph 10 of CM 10–05 to consult with the states concerned at the preapproval and importation stages of the trade cycle.

Response 5. Paragraph 10 of CM 10–05 calls upon the exporting State and, as appropriate, the flag State whose vessel completed a *Dissostichus* Catch Document (DCD), to cooperate with the importing State to resolve any questions regarding the information contained in a DCD, DRED, or DED. This action does not change U.S. compliance with paragraph 10 of CM 10–05, which the United States implements when any questions about information contained in CDS documents arise. The United States is committed to implementation of all CCAMLR conservation measures, including CM 10–05.

Comment 6. Regarding the clarification that DREDs and DEDs must be obtained before re-exporting or exporting *Dissostichus* species shipments, a commenter asked if this restricts the ability to re-route the shipment if the shipment has already left port. The commenter noted that shipments, on occasion, need to be rerouted if a customer of the importing country no longer will accept the shipment. The commenter sought a process for intermediary shipping stages that may require additional or amended export documentation.

Response 6. In accordance with CM 10–05, DREDs and DEDs are to be validated with information about the importer before a company re-exports or exports a shipment of *Dissostichus* species. This final rule does not change this existing process. Amendments to CM 10–05, and likely an implementing rulemaking, would be necessary to add a process to change the content of DREDs and DEDs following their validation.

Comment 7. A commenter stated that there would be economic impacts on dealers of Antarctic marine living resources because the action prevents imports from the South Georgia fishery, and places compliance costs on dealers who will have to establish mechanisms to monitor the laws and regulations of every foreign nation to ensure access to preapproval certificates. The commenter also referred to the import data included by NMFS in the certification to the Small Business Administration (SBA) (14 million kilograms per year) and noted a lower value (8.8 million kg) using U.S. Census data for the 2018–2022 period to indicate the relative importance of every source of *Dissostichus* species. The commenter also noted that the removal of the import prohibition of *Dissostichus* species from FAO Statistical Areas 51 and 57 (Indian Ocean) would not have a material impact on the U.S. market or the availability of *Dissostichus* species for import.

Response 7. This rule does not prevent imports from the waters around South Georgia Island or any other waters within or outside the Convention Area. As explained in the response to comment 3, NMFS's denial of a preapproval certificate in September 2022 is unrelated to this action and was based on existing regulations. This action does not include any compliance monitoring requirements for importers. It does, however, provide NMFS with additional authority to monitor trade of *Dissostichus* species, and, as explained in response to comment 4, it clarifies NMFS's authority to prevent importation of illegally harvested product and aligns the regulations with other Federal laws.

NMFS notes the updated information from the U.S. Census that, between 2017 and 2022, *Dissostichus* species imports averaged 9.3 million kilograms with an annual average value of $238 million. NMFS also notes the information from the commenter that the removal of the import prohibition on *Dissostichus* species from the Southern Indian Ocean does not provide a significant new source of *Dissostichus* species for import. This updated and additional information, however, does not change NMFS' analysis of the economic impacts resulting from this action. As described in the proposed rule, this action does not require importers to change anything they currently do to apply for preapproval certificates, and is not expected to a measurable impact on the availability of *Dissostichus* species for import.

Classification

This rule is published under the authority of the AMLRCA (16 U.S.C. 2431 *et seq.*) and the Magnuson-Stevens Act (16 U.S.C. 1801 *et seq.*). The NMFS Assistant Administrator has determined that this final rule is consistent with the provisions of these and other applicable laws, subject to further consideration after any relevant public comment.

Executive Order 12866

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

Regulatory Flexibility Act (RFA)

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the SBA at the proposed rule stage that this rule is not expected to have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule (88 FR 29043, May 5, 2023) and is not repeated here. This final rule contains no substantive changes from the proposed rule, and the

factual basis for the certification remains the same. In addition, no comments were received that changed the basis for the certification. As a result, a regulatory flexibility analysis is not required and none has been prepared.

Paperwork Reduction Act

This rule contains no new or revised collection-of-information requirements subject to the Paperwork Reduction Act. The regulatory text changes do not affect the previously approved public reporting burden for this information collection.

List of Subjects in 50 CFR Part 300

Antarctica, Antarctic marine living resources, Catch documentation scheme, Fisheries, Fishing, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: March 15, 2024.

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, NMFS proposes to amend 50 CFR part 300 as follows:

Subpart G—Antarctic Marine Living Resources

■ 1. The authority citation for Subpart G is revised to read as follows:

Authority: 16 U.S.C. 2431 *et seq.,* 31 U.S.C. 9701 *et seq.,* 16 U.S.C. 1801 *et seq.*

■ 2. Amend § 300.101 by revising the definition for ''ACA'', and removing the definition for ''National Seafood Inspection Laboratory'', to read as follows:

§ 300.101 Definitions.

* * * * *

ACA means the Antarctic Conservation Act, 16 U.S.C. 2401, *et seq.,* as amended.

* * * * *

■ 3. Revise § 300.102(b) to read as follows:

§ 300.102 Relationship to other treaties, conventions, laws, and regulations.

* * * * *

(b) The ACA implements the Protocol on Environmental Protection to the Antarctic Treaty. The ACA and its implementing regulations (including, but not limited to, 45 CFR part 670) apply to certain defined activities of U.S. citizens south of 60° S lat.

* * * * *

■ 4. Amend § 300.105 by revising paragraphs (b), (g)(1) and (2), and (h) to read as follows:

§ 300.105 Preapproval for importation of frozen *Dissostichus* species.

* * * * *

(b) *Application.* Applications for a preapproval certificate are available from NMFS. With the exception of the U.S. Customs 7501 entry number, a complete and accurate application must be received by NMFS for each preapproval certificate at least 10 working days before the anticipated date of the importation. Dealers must supply the U.S. Customs 7501 entry number at least three working days prior to the expected arrival of a shipment of frozen *Dissostichus* species at a U.S. port.

* * * * *

(g) * * *

(1) For pending preapproval certificates, applicants must report to NMFS any changes in the information submitted in their preapproval certificate applications. NMFS may extend the processing period for the application as necessary to review and consider any changes.

(2) For issued preapproval certificates, the certificate holder must report to NMFS any changes to information included in the preapproval certificate application. Any changes related to fish being imported, such as harvesting vessel or country of origin, type and quantity of the fish to be imported, or statistical subarea from which the resource was harvested, will void the preapproval certificate and the shipment may not be imported unless authorized by NMFS through issuance of a revised or new preapproval certificate.

* * * * *

(h) NMFS will not issue a preapproval certificate for any shipment of *Dissostichus* species:

(1) Determined to have been harvested or transshipped in contravention of any CCAMLR conservation measure in force at the time of harvest or transshipment;

(2) Determined to have been taken, possessed, transported, or sold in violation of any foreign law or regulation or international agreement which is a treaty within the meaning of section II of article II of the U.S. Constitution;

(3) Determined to have been taken, possessed, transported, or sold in contravention of any binding conservation measure adopted by an international agreement or organization to which the United States is a party;

(4) Determined to have been harvested or transshipped by a vessel identified by CCAMLR as having engaged in illegal, unreported, and unregulated (IUU) fishing; or

(5) Accompanied by inaccurate, incomplete, invalid, or improperly validated CDS documentation or by a SVDCD.

■ 5. Amend § 300.106 by revising paragraph (f)(1)(ii), adding paragraph (f)(3), revising paragraph (g)(1)(ii), and adding paragraph (g)(3) to read as follows:

§ 300.106 Catch Documentation Scheme (CDS): Documentation and other requirements.

* * * * *

(f) * * *

(1) * * *

(ii) Obtain validation by a responsible official(s) designated by NMFS and receive an electronically-generated DRED before re-exporting shipments of *Dissostichus* species.

* * * * *

(3) A DRED will not be issued for any shipment of *Dissostichus* species:

(i) Determined to have been harvested or transshipped in contravention of any CCAMLR conservation measure in force at the time of harvest or transshipment;

(ii) Determined to have been taken, possessed, transported, or sold in violation of any foreign law or regulation or international agreement which is a treaty within the meaning of section II of article II of the U.S. Constitution;

(iii) Determined to have been taken, possessed, transported, or sold in contravention of any binding conservation measure adopted by an international agreement or organization to which the United States is a party;

(iv) Determined to have been harvested or transshipped by a vessel identified by CCAMLR as having engaged in illegal, unreported, and unregulated (IUU) fishing;

(v) Accompanied by inaccurate, incomplete, invalid, or improperly validated CDS documentation; or

(vi) Imported in violation of AMLRCA or this subpart.

(g) * * *

(1) * * *

(ii) Obtain validation by a responsible official(s) designated by NMFS and receive an electronically-generated DED before exporting shipments of *Dissostichus* species.

* * * * *

(3) A DED will not be issued for any shipment of *Dissostichus* species:

(i) Determined to have been harvested or transshipped in contravention of a CCAMLR conservation measure, AMLRCA, or this subpart;

(ii) Determined to have been taken, possessed, transported, or sold in violation of any foreign law or regulation or international agreement which is a treaty within the meaning of section II of article II of the U.S. Constitution;

(iii) Determined to have been taken, possessed, transported, or sold in contravention of any binding conservation measure adopted by an international agreement or organization to which the United States is a party;

(iv) Determined to have been harvested or transshipped by a vessel identified by CCAMLR as having engaged in illegal, unreported, and unregulated (IUU) fishing; or

(v) Accompanied by inaccurate, incomplete, invalid, or improperly validated CDS documentation.

* * * * *

■ 6. In § 300.107, revise paragraph (a)(3) to read as follows:

§ 300.107 Vessel permits and requirements.

(a) * * *

(3) Permits issued under this section do not authorize vessels or persons subject to the jurisdiction of the United States to harass, capture, harm, kill, harvest, or import marine mammals. No marine mammals may be taken in the course of commercial fishing operations unless the taking is authorized under the Marine Mammal Protection Act and/or the Endangered Species Act pursuant to an exemption or permit granted by the appropriate agency.

* * * * *

■ 7. In § 300.113, revise paragraphs (a)(2), (c)(1), and (l) to read as follows:

§ 300.113 CCAMLR Ecosystem Monitoring Program sites.

(a) * * *

(2) If a CEMP site is also an area specially protected under the Antarctic Treaty (such as the sites listed in 45 CFR 670.29(a)), an applicant seeking to enter such site must apply to the Director of the NSF for a permit under applicable provisions of the ACA or any superseding legislation. The permit granted by NSF shall constitute a joint CEMP/ACA Protected Site permit and any person holding such a permit must comply with the appropriate CEMP site management plan. In all other cases, an applicant seeking a permit to enter a CEMP site must apply to the Assistant Administrator for a CEMP permit in accordance with the provisions of this section.

* * * * *

(c) * * *

(1) The Antarctic Treaty as implemented by the ACA and any superseding legislation. (Persons interested in conducting activities subject to the Antarctic Treaty should contact the Office of Polar Programs, NSF).

* * * * *

(l) *Protected areas.* Specially protected areas designated under the Antarctic Treaty and regulated under the ACA are listed at 45 CFR 670.29(a). See also: *https://www.ats.aq/e/protected.html.*

* * * * *

■ 8. Amend § 300.114 by revising paragraph (o) to read as follows:

§ 300.114 Prohibitions.

* * * * *

(o) Import, export, or re-export *Dissostichus* species that were:

(1) Harvested or transshipped in contravention of a CCAMLR conservation measure, AMLRCA, or this subpart;

(2) Taken, possessed, transported, or sold in violation of:

(i) Any foreign law or regulation or

(ii) Any international agreement which is a treaty within the meaning of section II of article II of the U.S. Constitution;

(3) Taken, possessed, transported, or sold in contravention of any binding conservation measure adopted by an international agreement or organization to which the United States is a party;

(4) Harvested or transshipped by a vessel identified by CCAMLR as having engaged in illegal, unreported, and unregulated (IUU) fishing, or

(5) Unaccompanied by CDS documentation, accompanied by inaccurate, incomplete, invalid, or improperly validated CDS documentation, or accompanied by a SVDCD.

* * * * *

■ 9. In § 300.115, revise paragraph (b) to read as follows:

§ 300.115 Facilitation of enforcement and inspection.

* * * * *

(b) *Reports by non-inspectors.* All scientists, fishermen, and other non-inspectors present in the Convention Area and subject to the jurisdiction of the United States are encouraged to report any violation of CCAMLR conservation measures observed in the Convention Area to the Office of Ocean and Polar Affairs (CCAMLR Violations), Department of State, Room 2665, Washington, DC 20520, *antarctica@state.gov,* and the NMFS Office of International Affairs, Trade, and Commerce, *https://www.fisheries.noaa.gov/about/office-international-affairs-trade-and-commerce.*

* * * * *

[FR Doc. 2024–05936 Filed 3–20–24; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 89, No. 56
Thursday, March 21, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–0466; Project Identifier MCAI–2023–00862–T]

RIN 2120–AA64

Airworthiness Directives; Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes. This proposed AD was prompted by production flight test findings of several oxygen masks disconnected from their accompanying portable oxygen bottles. This proposed AD would require inspecting the portable oxygen bottles and reconnecting the masks to the accompanying portable oxygen bottles if not connected, as specified in a Transport Canada AD, which is proposed for incorporation by reference (IBR). The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by May 6, 2024.

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

- *Federal eRulemaking Portal:* Go to *regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2024–0466; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For Transport Canada material that is proposed for IBR in this AD, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888–663–3639; email *TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca.* You may find this material on the Transport Canada website at *tc.canada.ca/en/aviation.* It is also available at *regulations.gov* under Docket No. FAA–2024–0466.
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

FOR FURTHER INFORMATION CONTACT: Fatin Saumik, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; email *fatin.r.saumik@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2024–0466; Project Identifier MCAI–2023–00862–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Fatin Saumik, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; email *fatin.r.saumik@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

Transport Canada, which is the aviation authority for Canada, has issued Transport Canada AD CF–2023–52, dated July 12, 2023 (Transport Canada AD CF–2023–52) (also referred to as the MCAI), to correct an unsafe condition for certain Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes. The MCAI states that during production flight tests, several oxygen masks were found disconnected from their accompanying portable oxygen bottles. An investigation determined that servicing instructions sent to the supplier did not include reconnecting oxygen masks. Since the problem was discovered, proper procedures were sent to the supplier to reconnect the masks and bottles. If an oxygen mask is not connected to the accompanying portable oxygen bottle, oxygen will not be

provided to the cabin crew and/or passengers during a sudden decompression above 10,000 feet or during a first aid situation.

The FAA is proposing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2024–0466.

Related Service Information Under 1 CFR Part 51

Transport Canada AD CF–2023–52 specifies procedures for a general visual inspection on portable oxygen bottles and reconnection of the mask to the accompanying portable oxygen bottles if not connected. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in **ADDRESSES**.

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in Transport Canada AD CF–2023–52 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate Transport Canada AD CF–2023–52 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with Transport Canada AD CF–2023–52 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Service information required by Transport Canada AD CF–2023–52 for compliance will be available at *regulations.gov* under Docket No. FAA–2024–0466 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 3 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Up to 1 work-hour × $85 per hour = $85	$0	Up to $85	Up to $255.

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some or all of the costs of this proposed 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

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

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

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Would not affect intrastate aviation in Alaska, and

(3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

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

Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.): Docket No. FAA–2024–0466; Project Identifier MCAI–2023–00862–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by May 6, 2024.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Canada Limited Partnership (Type Certificate previously held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Model BD–500–1A10 and BD–500–1A11 airplanes, certificated in any category, as identified in

Transport Canada AD CF–2023–52, dated July 12, 2023 (Transport Canada AD CF–2023–52).

(d) Subject

Air Transport Association (ATA) of America Code 35, Portable Oxygen System.

(e) Unsafe Condition

This AD was prompted by production flight test findings of several oxygen masks disconnected from their accompanying portable oxygen bottles. The FAA is issuing this AD to ensure oxygen masks are connected to the accompanying portable oxygen bottles. The unsafe condition, if not addressed, could result in oxygen not being provided to the cabin crew and/or passengers during a sudden decompression above 10,000 feet or during a first aid situation.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, Transport Canada AD CF–2023–52.

(h) Exception to Transport Canada AD CF–2023–52

Where Transport Canada AD CF–2023–52 refers to its effective date, this AD requires using the effective date of this AD.

(i) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the International Validation Branch, mail it to the address identified in paragraph (j) of this AD. Information may be emailed to: *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 Transport Canada Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(j) Additional Information

For more information about this AD, contact Fatin Saumik, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; email *fatin.r.saumik@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) Transport Canada AD CF–2023–52, dated July 12, 2023.

(ii) [Reserved]

(3) For Transport Canada AD CF–2023–52, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888–663–3639; email *TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca.* You may find this Transport Canada AD on the Transport Canada website at *tc.canada.ca/en/aviation.*

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

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

Issued on March 8, 2024.

Victor Wicklund,

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

[FR Doc. 2024–05393 Filed 3–20–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–0467; Project Identifier MCAI–2023–00892–T]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Bombardier, Inc., Model CL–600–2B16 (604 Variant) airplanes. This proposed AD was prompted by a report of sparking due to damaged wire insulation in the fueling adapter. This proposed AD would require inspecting the electrical wires attached to the airplane connector located behind the fuel scupper for damage, and all applicable related investigative and corrective actions. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by May 6, 2024.

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

- *Federal eRulemaking Portal:* Go to *regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2024–0467; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For service information identified in this NPRM, contact Bombardier Business Aircraft Customer Response Center, 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; phone 514–855–2999; email *ac.yul@aero.bombardier.com;* website *bombardier.com.*
- You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

FOR FURTHER INFORMATION CONTACT: Steven Dzierzynski, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7300; email: *9-avs-nyaco-cos@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2024–0467; Project Identifier MCAI–2023–00892–T'' at the beginning of your comments. The most helpful comments reference a specific portion of

the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Steven Dzierzynski, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7300; email: *9-avs-nyaco-cos@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

Transport Canada, which is the aviation authority for Canada, has issued Transport Canada AD CF–2023–55, dated July 18, 2023 (Transport Canada AD CF–2023–55) (also referred to after this as the MCAI), to correct an unsafe condition on certain Bombardier, Inc., Model CL–600–2B16 (604 Variant) airplanes. The MCAI states that during airplane refueling, a spark was seen when the fuel cap chain contacted one of the fuel scupper bolts. An inspection was performed and one of the fourteen bolts that surround the fuel inlet was found touching an electrical wire behind the scupper. Due to vibrations during flight, the bolt damaged the wire insulation and when the bolt was grounded to the airframe a spark was generated. This condition, if not corrected, could lead to electrical sparks during refueling and possibly result in a fire.

The FAA is proposing this AD to address the unsafe condition on these products. You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2024–0467.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Bombardier Service Bulletin 605–28–014, dated May 10, 2023; and Bombardier Service Bulletin 650–28–003, dated May 10, 2023. This service information specifies procedures for inspecting the electrical wires attached to the J274 connector (*i.e.,* the airplane connector located behind the fuel scupper) for damage (*i.e.,* core of the electrical wire exposed, or damage such as black soot to the insulation with no core exposure), and applicable related investigative and corrective actions. The related investigative action includes inspecting the fuel scupper for damage (*i.e.,* arcing or pitting marks directly or indirectly induced by the wire chaffed on the scupper bolt and the surrounding area). The corrective actions include repairing any damaged fuel scupper, repairing or replacing any damaged electrical wire, and reinstalling the fuel scupper without a certain attachment bolt. These documents are distinct since they apply to different configurations of the airplane.

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.

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in the service information already described.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 163 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
3 work-hours × $85 per hour = $255	$0	$255	$41,565

The FAA estimates the following costs to do any necessary on-condition actions that would be required based on the results of any required actions. The FAA has no way of determining the number of aircraft that might need these on-condition actions:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
4 work-hours × $85 per hour = $340 *	** $0	$340

* The FAA has received no definitive data on which to base the cost estimates for the on-condition scupper repair specified in this proposed AD.

** The FAA has received no definitive data on which to base the parts cost for the electrical wire replacement specified in this proposed AD.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Would not affect intrastate aviation in Alaska, and

(3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

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

Bombardier, Inc.: Docket No. FAA–2024–0467; Project Identifier MCAI–2023–00892–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by May 6, 2024.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc., Model CL–600–2B16 (604 Variant) airplanes, certificated in any category, serial numbers 5775 through 5990 inclusive and 6050 through 6178 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 28, Fuel.

(e) Unsafe Condition

This AD was prompted by a report of sparking due to damaged wire insulation in the fueling adapter. The FAA is issuing this AD to address damaged wire insulation. The unsafe condition, if not addressed, could lead to electrical sparks during refueling and possibly result in a fire.

(f) Compliance

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

(g) Inspections

Within 48 months after the effective date of this AD: Inspect the electrical wires attached to the J274 connector for damage, in accordance with Section 2.B of the Accomplishment Instructions of the applicable Bombardier service bulletin referenced in figure 1 to paragraph (g) of this AD.

Figure 1 to Paragraph (g)—Applicable Service Bulletins

Model	Serial Number	Service Bulletin
CL-600-2B16	5775 through 5990 inclusive	Bombardier Service Bulletin 605-28-014, dated May 10, 2023
CL-600-2B16	6050 through 6178 inclusive	Bombardier Service Bulletin 650-28-003, dated May 10, 2023

(h) Related Investigative and Corrective Actions

Before further flight after accomplishing paragraph (g) of this AD, do the applicable actions specified in paragraph (h)(1) or (2) of this AD.

(1) If no electrical wire is damaged, do the related investigative and corrective actions specified in and in accordance with Section 2.C of the Accomplishment Instructions of the applicable Bombardier service bulletin referenced in figure 1 to paragraph (g) of this AD.

(2) If any electrical wire is damaged, do the related investigative and corrective actions specified in and in accordance with Section 2.D of the Accomplishment Instructions of the applicable Bombardier service bulletin referenced in figure 1 to paragraph (g) of this AD.

(i) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the International Validation Branch, mail it to the address identified in paragraph (j)(2) of this AD. Information may be emailed to: *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 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–2023–55, dated July 18, 2023, for related information. This Transport Canada AD may be found in the AD docket at *regulations.gov* under Docket No. FAA–2024–0467.

(2) For more information about this AD, contact Steven Dzierzynski, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7300; email: *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) Bombardier Service Bulletin 605–28–014, dated May 10, 2023.

(ii) Bombardier Service Bulletin 650–28–003, dated May 10, 2023.

(3) For service information identified in this AD, contact Bombardier Business Aircraft Customer Response Center, 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; phone 514–855–2999; email *ac.yul@aero.bombardier.com;* website *bombardier.com.*

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

(5) You may view this service 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* or email *fr.inspection@nara.gov.*

Issued on March 8, 2024.

Victor Wicklund,

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

[FR Doc. 2024–05395 Filed 3–20–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–0468; Project Identifier MCAI–2023–00762–T]

RIN 2120–AA64

Airworthiness Directives; Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes. This proposed AD was prompted by multiple occurrences of pilot and co-pilot seats locking in a fore-aft position due to the seat fore-aft adjustment mechanism disconnecting, caused by a broken cotter pin in the seat base egress linkage. This proposed AD would require modifying the pilot and co-pilot seats by replacing the hardware of the seat base egress linkage, as specified in a Transport Canada AD, which is proposed for incorporation by reference (IBR). The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by May 6, 2024.

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

- *Federal eRulemaking Portal:* Go to *regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2024–0468; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For Transport Canada material that is proposed for IBR in this AD, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888–663–3639; email *TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca.* You may find this material on the Transport Canada website at *tc.canada.ca/en/aviation.* It is also available at *regulations.gov* under Docket No. FAA–2024–0468.
- You may view this material that is incorporated by reference at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

FOR FURTHER INFORMATION CONTACT: Fatin Saumik, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone 516–228–7300; email *fatin.r.saumik@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2024–0468; Project Identifier MCAI–2023–00762–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Fatin Saumik, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone 516–228–7300; email *fatin.r.saumik@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

Transport Canada, which is the aviation authority for Canada, has issued Transport Canada AD CF–2023–40, dated June 13, 2023 (Transport Canada AD CF–2023–40) (also referred to as the MCAI), to correct an unsafe condition for certain Airbus Canada

Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes. The MCAI states that there have been in-service occurrences of pilot and co-pilot seats becoming locked in a fore-aft position due to disconnection of the seat fore-aft adjustment mechanism caused by a broken cotter pin in the seat base egress linkage. Depending on the fore-aft position at which the seat becomes locked, this condition could result in a significant increase in crew workload for continued safe flight and landing. The FAA is proposing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2024–0468.

Related Service Information Under 1 CFR Part 51

Transport Canada AD CF–2023–40 specifies procedures for modifying the pilot and co-pilot seats by replacing the hardware of the seat base egress linkage. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in **ADDRESSES**.

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in Transport Canada AD CF–2023–40 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate Transport Canada AD CF–2023–40 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with Transport Canada AD CF–2023–40 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Service information required by Transport Canada AD CF–2023–40 for compliance will be available at *regulations.gov* under Docket No. FAA–2024–0468 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 23 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Up to 2 work-hours × $85 per hour = $170	Up to $200	Up to $370	Up to $8,510.

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some or all of the costs of this proposed 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

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

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

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Would not affect intrastate aviation in Alaska, and

(3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

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

Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.): Docket No. FAA–2024–0468; Project Identifier MCAI–2023–00762–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by May 6, 2024.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Canada Limited Partnership (Type Certificate previously held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Model BD–500–1A10 and BD–500–1A11 airplanes, certificated in any category, as identified in Transport Canada AD CF–2023–40, dated June 13, 2023 (Transport Canada AD CF–2023–40).

(d) Subject

Air Transport Association (ATA) of America Code 25, Equipment/Furnishings.

(e) Unsafe Condition

This AD was prompted by multiple occurrences of pilot and co-pilot seats locking in a fore-aft position due to the seat fore-aft adjustment mechanism disconnecting. The FAA is issuing this AD to address the disconnection of the seat fore-aft adjustment mechanism caused by a broken cotter pin in the seat base egress linkage. The unsafe condition, if not addressed, could result in a significant increase in crew workload for continued safe flight and landing.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, Transport Canada AD CF–2023–40.

(h) Exceptions to Transport Canada AD CF–2023–40

(1) Where Transport Canada AD CF–2023–40 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where Transport Canada AD CF–2023–40 refers to ''hours air time,'' this AD requires using flight hours.

(3) Where the service information referenced in Transport Canada AD CF–2023–40 specifies to ''Do Goodrich Interiors Service Bulletin 1430–25–003,'' this AD requires replacing that text with ''Do Goodrich Interiors Service Bulletin 1430–25–003, Revision C, dated November 22, 2022.''

(i) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the International Validation Branch, mail it to the address identified in paragraph (j)(1) of this AD. Information may be emailed to: *9-AVS-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 Transport Canada Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(3) *Required for Compliance (RC):* Except as required by paragraph (i)(2) of this AD, if any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(j) Additional Information

(1) For more information about this AD, contact Fatin Saumik, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone 516–228–7300; email *fatin.r.saumik@faa.gov.*

(2) For Goodrich Interiors material identified in this AD that is not incorporated by reference, contact Airbus Canada Limited Partnership, 13100 Henri Fabre Boulevard, Mirabel, Canada; telephone 1–450–476–7676; email *a220_crc@abc.airbus.*

(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) Transport Canada AD CF–2023–40, dated June 13, 2023.

(ii) [Reserved]

(3) For Transport Canada AD CF–2023–40, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888–663–3639; email *TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca.* You may find this Transport Canada AD on the Transport Canada website at *tc.canada.ca/en/aviation.*

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

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

Issued on March 8, 2024.

Victor Wicklund,

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

[FR Doc. 2024–05394 Filed 3–20–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2024–0315; Airspace Docket No. 24–AGL–6]

RIN 2120–AA66

Establishment of Class E Airspace; Fort Yates, ND

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace at Fort Yates, ND. The FAA is proposing this action due to the development of new public instrument procedures and to support instrument flight rule (IFR) operations.

DATES: Comments must be received on or before May 6, 2024.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2024–0315 and Airspace Docket No. 24–AGL–6 using any of the following methods:

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

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

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

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

Docket: Background documents or comments received may be read at *www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. FAA Order JO 7400.11H, Airspace Designations and Reporting Points, and

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

FOR FURTHER INFORMATION CONTACT: Rebecca Shelby, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5857.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

Comments Invited

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

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

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

Availability of Rulemaking Documents

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

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

Incorporation by Reference

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

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

The Proposal

The FAA is proposing to amend 14 CFR part 71 by establishing Class E airspace extending upward from 700 feet above the surface to within a 8.2-mile radius of Standing Rock Airport, Fort Yates, ND.

The FAA is proposing this action due to the development of new public instrument procedures and to support IFR operations.

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

AGL ND E5 Fort Yates, ND [Establish]

Standing Rock Airport, ND

(Lat. 46°04′01″ N, long 100°37′58″ W)

That airspace extending upward from 700 feet above the surface within a 8.2-mile radius of Standing Rock Airport.

* * * * *

Issued in Fort Worth, Texas, on March 13, 2024.

Martin A. Skinner,

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

[FR Doc. 2024–05893 Filed 3–20–24; 8:45 am]

BILLING CODE 4910–13–P

SUSQUEHANNA RIVER BASIN COMMISSION

18 CFR Part 801

Review and Approval of Projects

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice of proposed rulemaking; notice of public hearing.

SUMMARY: This document contains proposed rules that would amend the regulations of the Susquehanna River Basin Commission (Commission) to provide rules for agency procurement and bid protest procedures. This rulemaking also updates the general policies of the Commission to include climate change and environmental justice, revises the procedures regarding the adoption of the comprehensive plan and adds language memorializing the Commission's Dry Cooling Resolution. These rules are designed to clarify the Commission's existing authorities to manage the water resources of the basin and provide transparency and accountability procedures to the Commission's public procurement practices.

DATES: Comments on the proposed rulemaking may be submitted to the Commission on or before May 13, 2024. The Commission has scheduled a public hearing on the proposed rulemaking to be held by in person and by telephone on May 2, 2024. The location of the public hearing is listed in the **ADDRESSES** section of this document.

ADDRESSES: Comments may be mailed to: Jason E. Oyler, Esq., General Counsel, Susquehanna River Basin Commission, 4423 N Front Street, Harrisburg, PA 17110–1788, or emailed to *regcomments@srbc.net.* This public hearing will be conducted in person and by telephone. You may attend in person at Susquehanna River Basin Commission, 4423 N Front St., Harrisburg, Pennsylvania, or join by telephone at Toll-Free Number 1–877–304–9269 and then enter the guest passcode 2619070 followed by #. Those wishing to testify are asked to notify the Commission in advance, if possible, at the regular or electronic addresses given below.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, Esq., General Counsel, telephone: 717–238–0423, ext. 1312; fax: 717–238–2436; email: *joyler@srbc.net.* Also, for further information on the proposed rulemaking, visit the Commission's website at *http://www.srbc.net.*

SUPPLEMENTARY INFORMATION: The Commission is proposing revisions to Part 801 to add rules for agency procurement and bid protest procedures and amend the existing rules to include climate change and environmental justice, to revise the procedures regarding the adoption of the comprehensive plan and to memorialize the Commission's Dry Cooling Resolution.

Addition of § 801.15 Commission Procurement Procedures; Protests

The Commission, as an independent compact agency, is not subject to any of its member jurisdictions' laws regarding public procurement. The Susquehanna River Basin Compact provides the rules governing purchasing by the Commission in Section 15.9. The Compact also provides the Commission the ability to provide for the internal organization and administration of the Commission (Section 15.1(b)(3)) and to make rules and regulations to effectuate the Compact (Section 15.2).

As a companion to this rulemaking, the Commission is also seeking comment on a proposed policy entitled ''SRBC Procurement Procedures'' that outlines the details and procedures related to the purchasing and procurement of goods and services by the Commission. The adoption and any revisions to this policy shall be consistent with § 15.9 of the Compact and undertaken in accordance with appropriate public notice and comment consistent with the requirements of 18 CFR 808.1(b).

The goal of the rulemaking is to provide more transparency to the Commission's procurement process as well as to establish a bid protest procedure. The proposed rule provides that a protest must be filed with the Commission within ten calendar days after the aggrieved protestant knew or should have known of the facts giving rise to the protest. In no event may a protest be filed later than ten calendar days after the date the contract was awarded. These time frames differ from the 30 day appeal period for other administrative appeals in 18 CFR 808.2, but are generally in line with the bid protest timelines of our member jurisdictions. The rule outlines the exclusive procedure for procurement protests before the Commission.

Other Changes Proposed to Part 801

The proposed rulemaking also provides other changes to the existing Part 801 that the Commission deems beneficial. The Commission proposes to amend § 801.2 to remove paragraph (b)(9) requiring periodic reports be submitted to the Commission as that practice no longer occurs. In its place, the Commission proposes to work with our member jurisdictions on actions that can be taken to improve climate resiliency and address environmental justice. This change reflects the additions of these critical issues to the Commission's adopted 2021–2041 Comprehensive Plan.

Additional changes are proposed to revise § 801.5 related to the Comprehensive Plan. The process, presentation and layout for the adoption of the Comprehensive Plan has evolved since 1973. The proposed revisions more accurately reflect the modern process that was most recently used in 2021, but also are designed in a way that is meant to be more adaptable for future plan revisions and adoptions. Notably, the proposed process in § 801.5(a)(4) will enable the list of projects approved by the Commission each quarter to be included in the Comprehensive Plan by their continual updating in the publicly available viewer application (currently the Water Application and Approval Viewer, or WAAV).

Finally, the Commission proposes the addition of paragraph (d) to § 801.12 related to electric power generation facilities. This new paragraph memorializes and elevates the Use of Dry Cooling Technology for Power Generation and Other Facilities, Commission Resolution No. 2015–02 (Dry Cooling Resolution). The Dry Cooling Resolution has been instrumental in reducing the water consumption of new power plants in the basin. The Commission recognizes that an increasing number of power generation facilities, most recently combined cycle natural gas powered plants, are utilizing dry cooling technology to reduce the environmental footprint in the basin, and are demonstrating overall efficiencies in operations that are equivalent to wet cooling processes. Dry cooling technology significantly reduces the water demand of such facilities and

provides increased flexibility in siting facilities in proximity to fuel sources and electrical transmission lines. Use of dry cooling technology reduces impacts to aquatic ecosystems through the reduction of thermal impacts associated with large industrial volume discharges. The proposal would require consideration of dry cooling technologies to any new or significantly modified power generation facilities and an alternatives analysis to continue the consideration of water conservation technologies in an industry that is the largest consumptive user of water in the basin.

List of Subjects in 18 CFR Part 801

Administrative practice and procedure, Water resources.

Accordingly, for the reasons set forth in the preamble, the Susquehanna River Basin Commission proposes to amend 18 CFR part 801 as follows:

PART 801—GENERAL POLICIES

■ 1. The authority citation for part 801 continues to read as follows:

Authority: Secs. 3.1, 3.4, 3.5(1), 15.1 and 15.2, Pub. L. 91–575 (84 Stat. 1509 *et seq.*)

■ 2. Amend § 801.2 by revising paragraph (b)(9) as follows:

§ 801.2 Coordination, cooperation, and intergovernmental relations.

* * * * *

(b) * * *

(9) Coordinate and cooperate with the appropriate agencies of a member jurisdiction on implementing actions to address resiliency in the face of changing climatic conditions and to support the aims of environmental justice.

■ 3. Revise § 801.5 to read as follows:

§ 801.5 Comprehensive plan.

(a) The Compact requires that the Commission formulate and adopt a comprehensive plan for the immediate and long-range development and use of the water resources of the basin.

(1) The plan will include existing and proposed public and private programs, projects, and facilities which are required, in the judgment of the Commission, to meet present and future water resources needs of the basin. Consideration shall be given to the effect of the plan, or any part of the plan, on the receiving waters of the Chesapeake Bay. The Commission shall consult with interested public bodies and public utilities and fully consider the findings and recommendations of the signatory parties, their various subdivisions and interested groups. Prior to adoption of the plan the Commission shall conduct at least one public hearing in each signatory State.

(2) The plan will reflect consideration of multiple objectives, including economic growth; sustainable regional development and environmental resilience; coordinated study and consideration of water quantity and water quality and the nexus with existing and proposed land uses; and the promotion of cooperation and collaboration between all levels of government and non-governmental entities.

(3) The Commission will strive to complete a comprehensive update of the comprehensive plan every 20 years. If adjustments are needed during the life span of the plan to address emergent priorities, goals, or objectives, the comprehensive plan will be revised in accordance with requirements of the Compact.

(4) Projects requiring Commission review and approval will be included in the comprehensive plan after formal action is taken at Commission business meetings. Approved projects will be incorporated into the comprehensive plan and accessible via the Commission's Water Application and Approval Viewer or successor viewer applications.

(b) The comprehensive plan shall provide for the immediate and long-range use, development, conservation, preservation, and management of the water resources of the basin. The plan will be presented in a form and order as determined by the Commission and shall include but not be limited to the following:

(1) Statement of authority, purpose, objectives, and scope.

(2) Identification of priorities, goals and objectives of the Commission.

(3) Inventory of the basin's water resources and existing developments, projects and facilities.

(4) Projection of immediate and long range water resources needs of the basin.

(5) Outline of plan implementation measures.

(6) Procedures for updating and modifying the plan.

(7) Necessary appendices.

■ 4. Amend § 801.12 by adding paragraph (d) to read as follows:

§ 801.12 Electric power generation.

* * * * *

(d) Project sponsors proposing new or significantly modified power generation plants in the basin shall consider the use of dry cooling technologies and submit to the Commission a rigorous alternatives analysis. This analysis shall include evaluation of the costs, benefits, trade-offs and drawbacks of various cooling and water conservation techniques, and a full evaluation of options for providing effective consumptive use mitigation.

■ 5. Add § 801.15 to read as follows:

§ 801.15 Commission Procurement Procedures; Protests.

(a) *Procedures.* The Commission shall maintain a policy entitled ''SRBC Procurement Procedures'' that outlines the details and procedures related to the purchasing and procurement of goods and services by the Commission. Any revisions to this policy shall be consistent with § 15.9 of the Compact and undertaken in accordance with appropriate public notice and comment consistent with the requirements of § 808.1.

(b) *Right to Protest.* A bidder or offeror, a prospective bidder or offeror or a prospective contractor that is aggrieved in connection with the solicitation or award of a contract, may protest to the Commission in writing.

(c) *Filing of Protest.* A protestant shall file the protest on a form and in a manner prescribed by the Commission. A protest shall be filed within ten calendar days after the aggrieved protestant knew or should have known of the facts giving rise to the protest, except that in no event may a protest be filed later than ten calendar days after the date the contract was awarded. The failure to file a timely protest shall be deemed as a waiver of the right to protest by any bidder or offeror, prospective bidder or offeror or a prospective contractor. Untimely filed protests shall be disregarded by the Commission. The Executive Director or his/her designee shall be the presiding officer to hear the bid protest. The awardee of the contract, if any, will be informed by the Commission of any bid protest that may affect the contract and the awardee may intervene as a party in any protest filed.

(d) *Contents of Protest.* A protest shall state all the grounds upon which the protestant asserts the solicitation or award of the contract was improper. The protestant may submit with the protest any documents or information it deems relevant to the protest.

(e) *Response and Reply.* Within 15 calendar days of receipt of a protest, the purchasing officer may submit to the presiding officer and the protestant a response to the protest, including any documents or information deemed relevant to the protest. The protestant may file a reply to the response within ten calendar days of the response.

(f) *Evaluation of Protest.* The presiding officer shall review the protest

and any response or reply and may request and review such additional documents or information as they deem relevant to render a decision and may, at their sole discretion, conduct a hearing consistent with § 808.3. All parties will be provided with a reasonable opportunity to review and address any additional documents or information deemed relevant by the presiding officer to render a decision. Additional documents and information deemed relevant by the presiding officer will be included in the record.

(g) *Findings and Report.* Upon completing an evaluation of the protest, the presiding officer shall prepare a report of their findings and recommendations based on the record. The report shall be served by electronic mail or certified mail upon each party to the proceeding. Any party may file objections to the report. Such objections to the report shall be filed with the Commission and served on all parties within 20 calendar days after service of the report. A brief shall be filed together with the objections. Any replies to the objections and briefs will be filed and served on all parties within ten calendar days of service of the objections. Prior to its decision on such objections, the Commission may, in its sole discretion, grant a request for oral argument.

(h) *Action by the Commission.* The Commission will review the findings and recommendations of the presiding officer and the objections and render a determination. The Commission's determination will be in writing and will be served by electronic or certified mail upon each party to the proceeding.

(i) *Appeal.* Any final action by the Commission may be appealed to the appropriate United States District Court within 90 days as set forth in § 3.10(6) and Federal reservation (o) of the Compact.

(j) *Record of Determination.* The Commission's record of determination for review by the court shall consist of the solicitation; the contract, if any; the administrative record of the protest before the presiding officer; the report of the presiding officer, along with any objections and replies filed; transcripts and exhibits, if any; and the final determination of the Board of Commissioners.

(k) *Stay of Procurement During Pendency of Protest.* In the event a protest is filed timely under this section, the purchasing officer shall not proceed further with the solicitation or with the award of the contract unless and until the Executive Director makes a written determination that the protest is clearly without merit, or that award of the contract without delay is necessary to protect substantial interests of the Commission, or until the Commission enters a final determination under paragraph (h) of this section.

(l) *Exclusive Procedure.* This section shall be the exclusive procedure for protesting a solicitation or award of a contract by a bidder or offeror, a prospective bidder or offeror or a prospective contractor that is aggrieved in connection with the solicitation or award of a contract by the Commission.

Dated: March 18, 2024.

Jason E. Oyler,

Secretary to the Commission.

[FR Doc. 2024–06035 Filed 3–20–24; 8:45 am]

BILLING CODE 7040–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 147

[Docket Number USCG–2024–0134]

RIN 1625–AA00

Safety Zone; Revolution Wind Farm Project Area, Outer Continental Shelf, Lease OCS–A 0486, Offshore Rhode Island, Atlantic Ocean

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish 67 temporary safety zones around the construction of each facility during the development of the Revolution Wind Farm project area within Federal waters on the Outer Continental Shelf, specifically in the Bureau of Ocean Energy Management Renewable Energy Lease Area OCS–A 0486, approximately 15 nautical miles offshore southeast of Point Judith, Rhode Island. This action protects life, property, and the environment during construction of each facility from June 1, 2024, to May 31, 2027. When enforced, only attending vessels and vessels with authorization are permitted to enter or remain in the temporary safety zones.

DATES: Comments and related material must be received by the Coast Guard on or before April 22, 2024.

ADDRESSES: You may submit comments identified by docket number USCG–2024–0134 using the Federal Decision-Making Portal at *https://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments. This notice of proposed rulemaking with its plain-language, 100-word-or-less proposed rule summary will be available in this same docket.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Mr. Craig Lapiejko, Waterways Management, at Coast Guard First District, telephone 617–603–8592, email *craig.d.lapiejko@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

BOEM Bureau of Ocean Energy Management
CFR Code of Federal Regulations
DD Degrees Decimal
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking
OCS Outer Continental Shelf
OSS Offshore Substation
NAD 83 North American Datum of 1983
NM Nautical Mile
RWF Revolution Wind Farm
§ Section
U.S.C. United States Code
WTG Wind Turbine Generator

II. Background, Purpose, and Legal Basis

On February 2, 2024, Orsted, an offshore wind farm developer, notified the Coast Guard that they plan to begin construction of the Revolution Wind facilities in the Revolution Wind Farm (RWF) project area within Federal waters on the Outer Continental Shelf (OCS), specifically in the Bureau of Ocean Energy Management (BOEM) Renewable Energy Lease Area OCS–A 0486, approximately 15 nautical miles (NM) offshore southeast of Point Judith, Rhode Island, 32 NM southeast of the Connecticut coast and 12 NM southwest of Martha's Vineyard, Massachusetts in June 2024.

The extremely complex offshore construction of these OCS facilities presents many unusually hazardous conditions including hydraulic pile driving hammer operations, heavy lift operations, overhead cutting operations, potential falling debris, increased vessel traffic, and stationary barges in close proximity to the facilities and each other.

Based on these circumstances, the First Coast Guard District Commander has determined that establishment of 67 temporary safety zones through rulemaking is warranted to ensure the safety of life, property, and the environment within a 500-meter radius of each of the 67 facilities during their construction.

The Coast Guard is proposing this rule under the authorities provided in 14 U.S.C. 544, 43 U.S.C. 1333, and

Department of Homeland Security (DHS) Delegation No. 00170.1, Revision No. 01.3. As an implementing regulation of this authority, 33 CFR part 147 permits the establishment of safety zones for non-mineral energy resource permanent or temporary structures located on the OCS for the purpose of protecting life and property on the facilities, appurtenances and attending vessels, and on the adjacent waters within the safety zone (see 33 CFR 147.10). Accordingly, a safety zone established under 33 CFR part 147 may also include provisions to restrict, prevent, or control certain activities, including access by vessels or persons to maintain safety of life, property, and the environment.

III. Discussion of Proposed Rule

The District Commander is proposing to establish 67 temporary 500-meter safety zones around the construction of 65 WTGs and two OSS on the OCS from June 1, 2024, through 11:59 p.m. on May 31, 2027.

The construction of these facilities is expected to take place in mixed phases alternating between the installation of several monopile type foundations followed by the installation of the upper structures then repeating this process throughout the project area until all 67 facilities have been completed. The 67 temporary safety zones would be enforced individually as construction progresses from one structure location to the next throughout the entire process for a period lasting approximately 48 hours. The Coast Guard would make notice of each enforcement period via the Local Notice to Mariners and issue a Broadcast Notice to Mariners via marine channel 16 (VHF–FM) as soon as practicable in response to an emergency or hazardous condition. The Coast Guard is publishing this rulemaking to be effective, and enforceable, through May 31, 2027, to encompass any construction delays due to weather or other unforeseen circumstances. If, as currently scheduled, the project is completed before May 31, 2027, enforcement of the safety zones would be suspended, and notice given via Local Notice to Mariners.

Additional information about the construction process of the RWF can be found at *https://www.boem.gov/renewable-energy/state-activities/revolution-wind.*

The 67 temporary 500-meter safety zones around the construction of 65 WTGs and two OSS are in the RWF project area, specifically in the BOEM Renewable Energy Lease Area OCS–A 0486, approximately 15 nautical NM offshore southeast of Point Judith, Rhode Island, 32 NM southeast of the Connecticut coast and 12 NM southwest of Martha's Vineyard, Massachusetts.

The positions of each individual safety zone proposed by this rulemaking will be referred to using a unique alpha-numeric naming convention outlined in the ''Rhode Island and Massachusetts Structure Labeling Plot (West)''.[1]

Aligning with authorities under 33 CFR 147.15, the proposed safety zones would include the area within 500-meters of the center point of the positions provided in the table below expressed in Degrees (°) Minutes (′) (DM) based on North American Datum 1983 (NAD 83).

Name	Facility Type	Latitude	Longitude
AE06	WTG	41°13.555′ N	71°10.367′ W
AE07	WTG	41°13.575′ N	71°09.050′ W
AE08	WTG	41°13.603′ N	71°07.719′ W
AE09	WTG	41°13.632′ N	71°06.402′ W
AE10	WTG	41°13.652′ N	71°05.081′ W
AE11	WTG	41°13.676′ N	71°03.763′ W
AF05	WTG	41°12.528′ N	71°11.647′ W
AF06	WTG	41°12.554′ N	71°10.336′ W
AF08	OSS	41°12.607′ N	71°07.702′ W
AF09	WTG	41°12.628′ N	71°06.375′ W
AF10	WTG	41°12.652′ N	71°05.051′ W
AF11	WTG	41°12.676′ N	71°03.738′ W
AG04	WTG	41°11.504′ N	71°12.944′ W
AG05	WTG	41°11.529′ N	71°11.625′ W
AG06	WTG	41°11.554′ N	71°10.302′ W
AG07	WTG	41°11.579′ N	71°08.984′ W
AG08	WTG	41°11.606′ N	71°07.660′ W
AG09	WTG	41°11.625′ N	71°06.359′ W
AH04	WTG	41°10.503′ N	71°12.921′ W
AH05	WTG	41°10.529′ N	71°11.594′ W
AH06	WTG	41°10.548′ N	71°10.276′ W
AH07	WTG	41°10.586′ N	71°08.946′ W
AH08	WTG	41°10.610′ N	71°07.622′ W
AH09	WTG	41°10.632′ N	71°06.307′ W
AJ02	WTG	41°09.452′ N	71°15.530′ W
AJ03	WTG	41°09.470′ N	71°14.213′ W
AJ04	WTG	41°09.502′ N	71°12.896′ W
AJ05	WTG	41°09.528′ N	71°11.478′ W
AJ06	WTG	41°09.563′ N	71°10.243′ W
AJ07	WTG	41°09.578′ N	71°08.919′ W
AJ08	WTG	41°09.604′ N	71°07.612′ W
AJ09	WTG	41°09.633′ N	71°06.319′ W
AJ10	WTG	41°09.638′ N	71°04.949′ W
AJ11	OSS	41°09.675′ N	71°03.617′ W
AJ12	WTG	41°09.695′ N	71°02.297′ W
AJ13	WTG	41°09.737′ N	71°00.954′ W
AJ14	WTG	41°09.748′ N	70°59.654′ W

[1] The Rhode Island and Massachusetts Structure Labeling Plot (West) is an attachment to the Conditions of Construction and Operations Plan Approval Lease Number OCS–A 0517 (*boem.gov*) and can be found at *https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/SFWF-COP-Terms-and-Conditions.pdf.*

Name	Facility Type	Latitude	Longitude
AJ15	WTG	41°09.757′ N	70°58.367′ W
AK10	WTG	41°08.654′ N	71°04.935′ W
AK12	WTG	41°08.699′ N	71°02.260′ W
AL10	WTG	41°07.652′ N	71°04.840′ W
AL11	WTG	41°07.666′ N	71°03.554′ W
AL12	WTG	41°07.652′ N	71°02.224′ W
AL18	WTG	41°07.834′ N	70°54.300′ W
AL19	WTG	41°07.856′ N	70°52.968′ W
AL20	WTG	41°07.876′ N	70°51.651′ W
AL21	WTG	41°07.887′ N	70°50.387′ W
AM11	WTG	41°06.666′ N	71°03.547′ W
AM12	WTG	41°06.680′ N	71°02.252′ W
AM14	WTG	41°06.705′ N	70°59.567′ W
AM17	WTG	41°06.796′ N	70°55.614′ W
AM18	WTG	41°06.833′ N	70°54.272′ W
AM19	WTG	41°06.862′ N	70°52.937′ W
AM20	WTG	41°06.877′ N	70°51.626′ W
AM21	WTG	41°06.904′ N	70°50.325′ W
AN11	WTG	41°05.666′ N	71°03.499′ W
AN12	WTG	41°05.703′ N	71°02.118′ W
AN13	WTG	41°05.675′ N	71°00.836′ W
AN14	WTG	41°05.801′ N	70°59.538′ W
AN15	WTG	41°05.760′ N	70°58.223′ W
AN16	WTG	41°05.792′ N	70°56.911′ W
AP11	WTG	41°04.671′ N	71°03.482′ W
AP12	WTG	41°04.697′ N	71°02.144′ W
AP13	WTG	41°04.731′ N	71°00.873′ W
AP14	WTG	41°04.746′ N	70°59.423′ W
AP15	WTG	41°04.766′ N	70°58.180′ W
AP16	WTG	41°04.788′ N	70°56.858′ W

The positions of the 67 proposed safety zones are shown on the chartlets below. For scaling purposes, there is approximately one NM spacing between each position.

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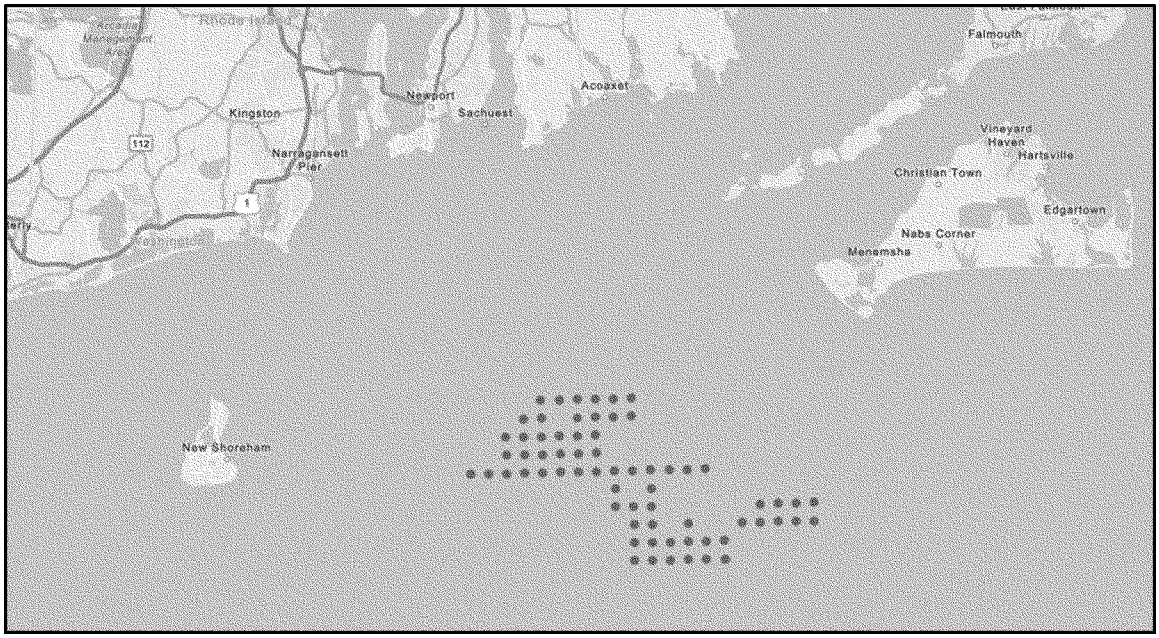
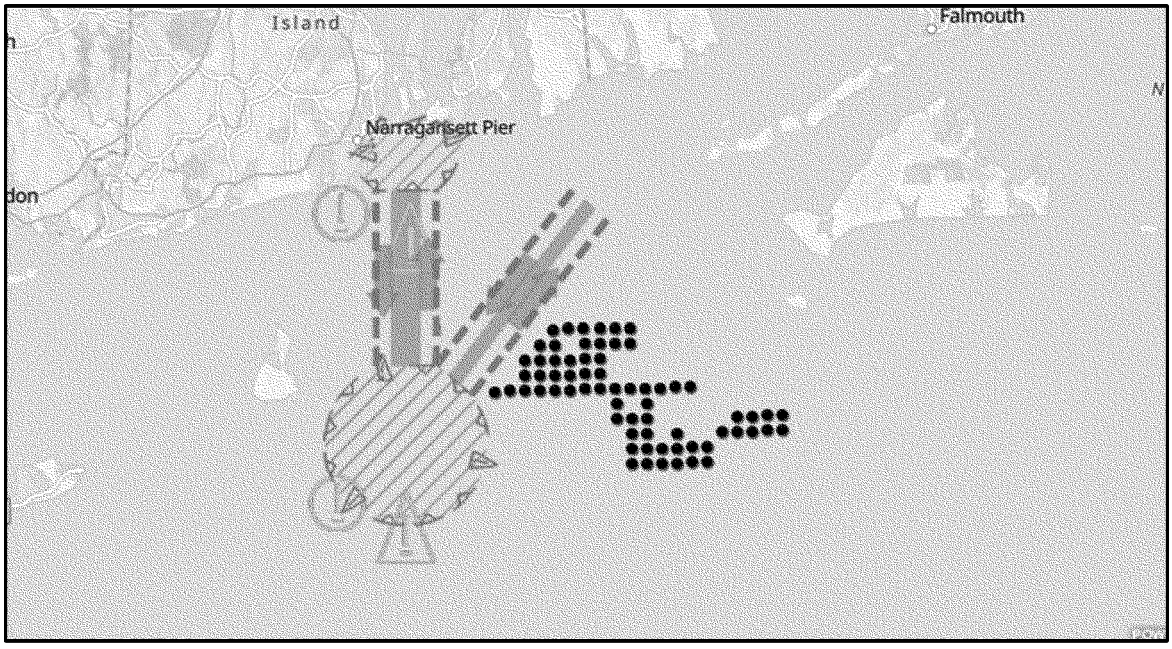
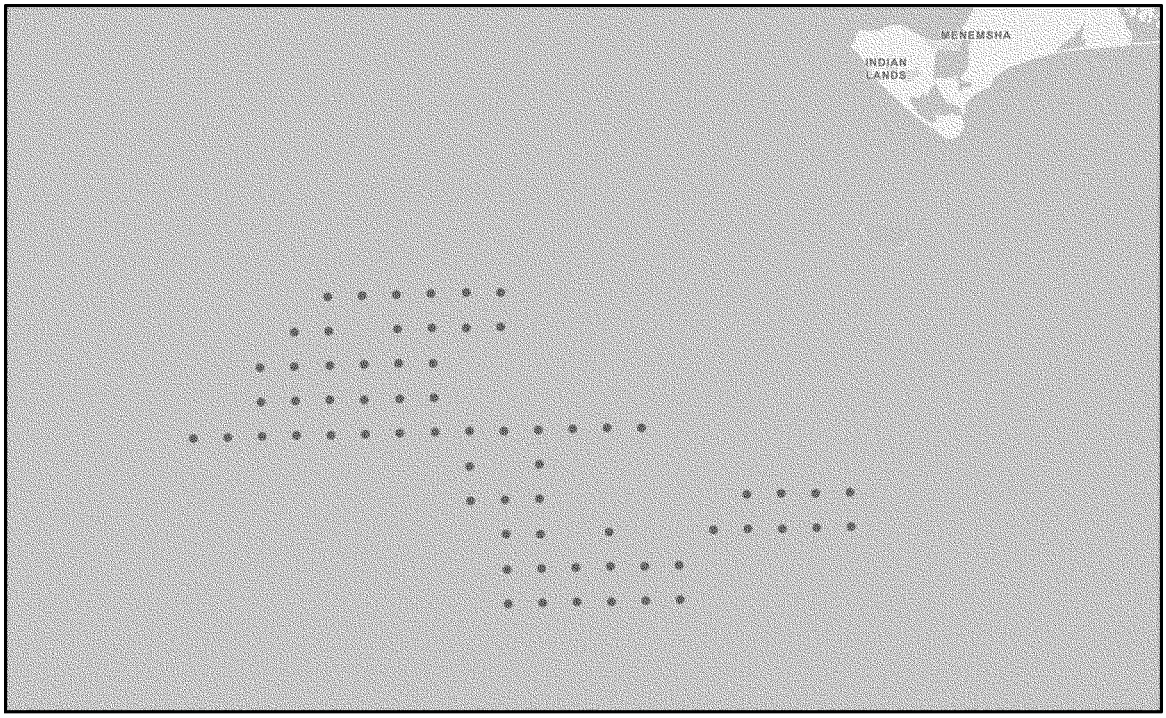


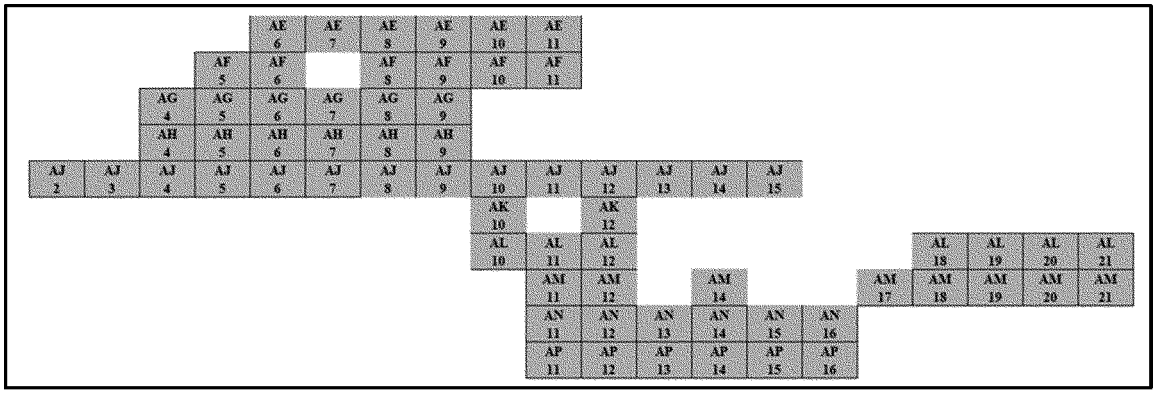
(Small scale chartlet showing the positions of the proposed safety zones.)



(Small scale chartlet showing the positions of the proposed safety zones in relation to the approaches to Narragansett Bay, RI, and Buzzards Bay, MA.)



(Large scale chartlet showing the positions of the proposed safety zones.)



(Chartlet showing locations using alpha-numeric naming convention.)

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Navigation in the vicinity of the proposed safety zones consists of large commercial shipping vessels, fishing vessels, cruise ships, tugs with tows, and recreational vessels.

When enforced, no unauthorized vessel or person would be permitted to enter the safety zone without obtaining permission from the First Coast Guard District Commander or a designated representative. Requests for entry into the safety zone would be considered and reviewed on a case-by-case basis. Persons or vessels seeking to enter the safety zone must request authorization from the First Coast Guard District Commander or designated representative via VHF–FM channel 16 or by phone at 617–603–1560 (First Coast Guard District Command Center). If permission is granted, all persons and vessels shall comply with the instructions of the First Coast Guard District Commander or designated representative.

The proposed regulatory text appears at the end of this document.

IV. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive orders related to rulemaking. A summary of our analyses based on these statutes and Executive orders follows.

A. Regulatory Planning and Review

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

Aligning with 33 CFR 147.15, the safety zones established would extend to a maximum distance of 500-meters around the OCS facility measured from its center point. Vessel traffic would be able to safely transit around the proposed safety zones, which would impact a small, designated area in the Atlantic Ocean, without significant impediment to their voyage. This safety zone would provide for the safety of life, property, and the environment during the construction of each structure, in accordance with Coast Guard maritime safety missions.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

This rulemaking may affect owners or operators of vessels intending to transit or anchor in the RWF, some of which might be small entities. However, these safety zones would not have a significant economic impact on a substantial number of these entities because they are temporarily enforced, allow for deviation requests, and do not impact vessel transit significantly. Regarding the enforcement period, although these safety zones would be in effect from June 1, 2024, through May 31, 2027, vessels would only be prohibited from the regulated zone during periods of actual construction activity in correspondence to the period of enforcement. We expect the enforcement period at each location to last approximately 48 hours as construction progresses from one structure location to the next throughout the mixed phases. Additionally, vessel traffic could pass safely around each safety zone using an alternate route. Use of an alternate route likely will cause minimal delay for the vessel in reaching their destination depending on other traffic in the area and vessel speed. Vessels would also be able to request deviation from this rule to transit through a safety zone. Such requests would be considered on a case by-case basis and may be authorized by the First Coast Guard District Commander or a designated representative. For these reasons, the Coast Guard expects any impact of this rulemaking establishing a temporary safety zone around these OCS facilities to be minimal and have no significant economic impact on small entities.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rulemaking would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

This proposed rule would not call for a new collection of information under

the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves the establishment of a safety zone around an OCS facility to protect life, property, and the marine environment. Normally such actions are categorically excluded from further review under paragraph L60 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A preliminary Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

Submitting comments. We encourage you to submit comments through the Federal Decision-Making Portal at *https://www.regulations.gov.* To do so, go to *https://www.regulations.gov,* type USCG–2024–0134 in the search box and click ''Search.'' Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If you cannot submit your material by using *https://www.regulations.gov,* call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

Viewing material in docket. To view documents mentioned in this proposed rule as being available in the docket, find the docket as described in the previous paragraph, and then select ''Supporting & Related Material'' in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the *https://www.regulations.gov* Frequently Asked Questions web page. We review all comments received, but we will only post comments that address the topic of the proposed rule. We may choose not to post off-topic, inappropriate, or duplicate comments that we receive.

Personal information. We accept anonymous comments. Comments we post to *https://www.regulations.gov* will include any personal information you have provided. For more about privacy and submissions to the docket in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

List of Subjects in 33 CFR Part 147

Continental shelf, Marine safety, Navigation (waters).

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 147 as follows:

PART 147—SAFETY ZONES

■ 1. The authority citation for part 147 continues to read as follows:

Authority: 14 U.S.C. 544; 43 U.S.C. 1333; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.3.

■ 2. Add § 147.T01–0134 to read as follows:

§ 147.T01–0134 Safety Zone; Revolution Wind Farm Project Area, Outer Continental Shelf, Lease OCS–A 0486, Offshore Rhode Island, Atlantic Ocean.

(a) *Description.* The area within 500-meters of the center point of the positions provided in the table below is a safety zone:

Name	Facility Type	Latitude	Longitude
AE06	WTG	41°13.555′ N	71°10.367′ W
AE07	WTG	41°13.575′ N	71°09.050′ W
AE08	WTG	41°13.603′ N	71°07.719′ W
AE09	WTG	41°13.632′ N	71°06.402′ W
AE10	WTG	41°13.652′ N	71°05.081′ W
AE11	WTG	41°13.676′ N	71°03.763′ W
AF05	WTG	41°12.528′ N	71°11.647′ W

Name	Facility Type	Latitude	Longitude
AF06	WTG	41°12.554′ N	71°10.336′ W
AF08	OSS	41°12.607′ N	71°07.702′ W
AF09	WTG	41°12.628′ N	71°06.375′ W
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AF11	WTG	41°12.676′ N	71°03.738′ W
AG04	WTG	41°11.504′ N	71°12.944′ W
AG05	WTG	41°11.529′ N	71°11.625′ W
AG06	WTG	41°11.554′ N	71°10.302′ W
AG07	WTG	41°11.579′ N	71°08.984′ W
AG08	WTG	41°11.606′ N	71°07.660′ W
AG09	WTG	41°11.625′ N	71°06.359′ W
AH04	WTG	41°10.503′ N	71°12.921′ W
AH05	WTG	41°10.529′ N	71°11.594′ W
AH06	WTG	41°10.548′ N	71°10.276′ W
AH07	WTG	41°10.586′ N	71°08.946′ W
AH08	WTG	41°10.610′ N	71°07.622′ W
AH09	WTG	41°10.632′ N	71°06.307′ W
AJ02	WTG	41°09.452′ N	71°15.530′ W
AJ03	WTG	41°09.470′ N	71°14.213′ W
AJ04	WTG	41°09.502′ N	71°12.896′ W
AJ05	WTG	41°09.528′ N	71°11.478′ W
AJ06	WTG	41°09.563′ N	71°10.243′ W
AJ07	WTG	41°09.578′ N	71°08.919′ W
AJ08	WTG	41°09.604′ N	71°07.612′ W
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AJ11	OSS	41°09.675′ N	71°03.617′ W
AJ12	WTG	41°09.695′ N	71°02.297′ W
AJ13	WTG	41°09.737′ N	71°00.954′ W
AJ14	WTG	41°09.748′ N	70°59.654′ W
AJ15	WTG	41°09.757′ N	70°58.367′ W
AK10	WTG	41°08.654′ N	71°04.935′ W
AK12	WTG	41°08.699′ N	71°02.260′ W
AL10	WTG	41°07.652′ N	71°04.840′ W
AL11	WTG	41°07.666′ N	71°03.554′ W
AL12	WTG	41°07.652′ N	71°02.224′ W
AL18	WTG	41°07.834′ N	70°54.300′ W
AL19	WTG	41°07.856′ N	70°52.968′ W
AL20	WTG	41°07.876′ N	70°51.651′ W
AL21	WTG	41°07.887′ N	70°50.387′ W
AM11	WTG	41°06.666′ N	71°03.547′ W
AM12	WTG	41°06.680′ N	71°02.252′ W
AM14	WTG	41°06.705′ N	70°59.567′ W
AM17	WTG	41°06.796′ N	70°55.614′ W
AM18	WTG	41°06.833′ N	70°54.272′ W
AM19	WTG	41°06.862′ N	70°52.937′ W
AM20	WTG	41°06.877′ N	70°51.626′ W
AM21	WTG	41°06.904′ N	70°50.325′ W
AN11	WTG	41°05.666′ N	71°03.499′ W
AN12	WTG	41°05.703′ N	71°02.118′ W
AN13	WTG	41°05.675′ N	71°00.836′ W
AN14	WTG	41°05.801′ N	70°59.538′ W
AN15	WTG	41°05.760′ N	70°58.223′ W
AN16	WTG	41°05.792′ N	70°56.911′ W
AP11	WTG	41°04.671′ N	71°03.482′ W
AP12	WTG	41°04.697′ N	71°02.144′ W
AP13	WTG	41°04.731′ N	71°00.873′ W
AP14	WTG	41°04.746′ N	70°59.423′ W
AP15	WTG	41°04.766′ N	70°58.180′ W
AP16	WTG	41°04.788′ N	70°56.858′ W

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the First Coast Guard District Commander in the enforcement of the safety zones.

(c) *Regulations.* No vessel may enter or remain in this safety zone except for the following:

(1) An attending vessel as defined in 33 CFR 147.20;

(2) A vessel authorized by the First Coast Guard District Commander or a designated representative.

(d) *Request for permission.* Persons or vessels seeking to enter the safety zone must request authorization from the First Coast Guard District Commander or a designated representative. If permission is granted, all persons and vessels must comply with lawful instructions of the First Coast Guard District Commander or designated

representative via VHF–FM channel 16 or by phone at 617–603–1560 (First Coast Guard District Command Center).

(e) *Effective and enforcement periods.* This section will be effective from June 1, 2024, through 11:59 p.m. on May 31, 2027. But it will only be enforced during active construction or other instances which may cause a hazard to navigation deemed necessary by the First Coast Guard District Commander. The First Coast Guard District Commander will make notification of the exact dates and times in advance of each enforcement period for the locations above in paragraph (a) of this section to the local maritime community through the Local Notice to Mariners and will issue a Broadcast Notice to Mariners via marine channel 16 (VHF–FM) as soon as practicable in response to an emergency. If the project is completed before May 31, 2027, enforcement of the safety zones will be suspended, and notice given via Local Notice to Mariners. The First Coast Guard District Local Notice to Mariners can be found at: *http://www.navcen.uscg.gov.*

Dated: March 15, 2024.

J.W. Mauger,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 2024–05992 Filed 3–20–24; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 70

[EPA–R03–OAR–2024–0070; FRL–11788–01–R3]

Clean Air Act Title V Operating Permit Program Revision; West Virginia

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a revision to West Virginia's Title V Operating Permits Program, submitted on behalf of the state by the West Virginia Department of Environmental Protection (WVDEP). There are three components to the revision: it restructures the Title V operating permit fees collected by WVDEP in order to ensure that the Title V operating program is adequately funded; it amends West Virginia's Title V regulations to comport with Federal permit review, public petition, and affirmative defense requirements; and removes obsolete transitional language. This action is being taken under section 502 of the Clean Air Act (CAA).

DATES: Written comments must be received on or before April 22, 2024.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2024–0070 at *www.regulations.gov,* or via email to *Opila.MaryCate@epa.gov.* For comments submitted at *Regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Yongtian He, Permits Branch (3AD10), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, Four Penn Center, 1600 John F Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–2339. Mr. He can also be reached via electronic mail at *he.yongtian@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The West Virginia Title V Operating Permit Program is implemented through its ''Requirements for Operating Permits'' rule, codified at Title 45, Series 30 of the West Virginia Code of State Regulations (45CSR30). The EPA granted full approval of the West Virginia Title V Operating Permit Program effective November 19, 2001. *See* 66 FR 50325. On May 3, 2023, WVDEP submitted a revision to 45CSR30 (effective March 31, 2023) for approval into the state's EPA-approved Title V program. WVDEP revised 45CSR30 to: (1) restructure the Title V program fee as recommended by the EPA in a September 2021 Title V Program Evaluation Report, an August 2019 Title V Permit Fee Evaluation Report, and a May 2015 Title V Program Evaluation Report; [1] (2) comport with the EPA's ''Revisions to the Petition Provisions of the Title V Permitting Program'' final Federal rule (85 FR 6431, February 5, 2020) and the EPA's ''Removal of Title V Emergency Affirmative Defense Provisions from State Operating Permit Programs and Federal Operating Permit Program'' (88 FR 47029, July 21, 2023); and (3) remove obsolete transitional language and provide additional clarifications.

Under 40 CFR 70.9(a) and (b), an approved state Title V operating permits program must require that the owners or operators of 40 CFR part 70 sources pay annual fees, or the equivalent over some other period, that are sufficient to cover the permit program costs and ensure that any fee required under 40 CFR 70.9 is used solely for permit program costs. The fee schedule must result in the collection and retention of revenues sufficient to cover the permit program implementation and oversight costs. 40 CFR 70.9(b).

A. Fee Structure Revision

West Virginia's initial Title V permit emission fee was established in 1994 at 45CSR30.8 and was based on emissions of individual sources subject to the West Virginia Title V Operating Permit Program. The initial fee was $15 per ton of regulated pollutant emitted by subject sources. On July 1, 1995, this increased to $18 per ton. See 81 FR 7463, February 12, 2016, footnote 1. Subject sources were not required to pay annual fees for emissions in excess of 4,000 tons per year, referred to as an emissions fee cap. On June 10, 2015, West Virginia again amended its fee provisions at 45CSR30.8 to increase the annual emission fee from $18 to $28 per ton and maintained the emissions fee cap for individual sources at 4,000 tons per year. The EPA approved this revision on February 12, 2016. *See* 81 FR 7463.

The state submission indicates that under the previous fee structure, approximately 60% of Title V fees generated in West Virginia were paid by the top ten emitting sources of West Virginia's approximately 500 Title V facilities. Nine of the top ten sources were coal-fired electric generating units (EGUs), some of which, according to the state, have indicated the possibility of retiring in the near future. Accordingly, the previous fee structure was not

[1] The reports are available at *www.epa.gov/caa-permitting/title-v-evaluation-report-west-virginia.*

flexible in the event of changes to the mix of regulated sources, which would result in projected revenue loss and potential vulnerability with respect to WVDEP's ability to fully fund its Title V program.

In the 2015, 2019 and 2021 Title V Program Evaluation Reports, the EPA recommended that WVDEP reevaluate the Title V fee structure due to the heavy reliance on the top ten sources (approximately 2% of all Title V sources in West Virginia). Due to the anticipated retirement of some or many of these coal-fired EGUs, the EPA projected that WVDEP may begin to experience a shortfall in revenue to cover the costs of implementing its Title V permit program if fees were not adjusted. According to the state submission, the revisions to this rule would expand the number of sources contributing 60% of the revenue from the top 10 (2% of state-wide sources) to the top 96 sources (20% of state-wide sources), thus providing a more diversified and sustainable revenue stream. Therefore, West Virginia amended its fee provisions at 45CSR30.8 to achieve a more sustainable and equitable Title V fee structure that can adjust to the projected changes to sources and emissions for the West Virginia Title V program.

B. Federal Permit Review, Public Petition, and Affirmative Defense Requirement Revisions

In February 2020, the EPA issued a Final Rule revising its regulations with respect to the submission and review of Title V petitions. *See* 85 FR 6431, February 5, 2020. The action sought to ''to streamline and clarify'' the processes by ''implement[ing] changes in three key areas: Method of petition submittal to the agency, required content and format of petitions, and administrative record requirements for permits.'' Any air agencies that needed to revise its rules to implement these changes were to initiate the process with the EPA in accordance with 40 CFR 70.4(i).

The EPA issued a final rule in July 2023 that removed the ''emergency'' affirmative defense provisions from the agency's 40 CFR parts 70 and 71 Title V operating permit program regulations. *See* 88 FR 47029, July 21, 2023. The EPA proposed the removal of these provisions in June 2016 (81 FR 38645, June 14, 2016) and re-proposed in April 2022 (87 FR 19042, April 1, 2022). The final rule provided guidance, referenced in the June 2016 proposal, for the implementation of this rulemaking, noting that some air agencies would need to submit relevant program revisions to their EPA-approved Title V programs. The preamble explained that the EPA ''expects that program revisions to remove the Title V emergency defense provisions from state operating permit programs will include, at minimum: (1) a redline document identifying the state's proposed revision to its 40 CFR part 70 program rules; (2) a brief statement of the legal authority authorizing the revision; and (3) a schedule and description of the state's plans to remove affirmative defense provisions from individual operating permits. The EPA encourages states to consult with their respective EPA regional offices on the specific contents of their revision submittal packages.'' *See* 88 FR 47029, 47031, July 21, 2023.

II. Summary of Title V Program Revision and EPA Analysis

In the May 3, 2023 submittal, West Virginia sought EPA approval of its revisions to 45CSR30 into its Title V program. West Virginia's revisions to 45CSR30 restructured fees for its Title V Operating Permit Program, amended its regulations to comport with revisions to Federal permit review and public petition regulations, removed affirmative defense provisions pursuant to revisions to Federal regulations, and removed obsolete language.

A. Fee Structure Revision

To cover all reasonable costs required to implement and administer the West Virginia Title V Operating Permit Program as required by 40 CFR 70.9(a) and (b), the state's revised fee structure is designed to diversify revenue stream and to be more equitable and sustainable. Title V program costs include those for activities such as reviewing and processing preconstruction and operating permits, conducting inspections, responding to complaints and pursuing enforcement actions, emissions and ambient air monitoring, preparing applicable regulations and guidance, modeling, analyses, demonstrations, emission inventories, and tracking emissions.

West Virginia's revisions to its Title V fee structure in 45CSR30.8 included five main changes: (1) replacing the annual emissions only fee to an annual fee that includes an emissions fee, base fee, and complexity fee components; (2) setting the emissions fee factor based on a calculation of the 3-year average of Division of Air Quality (DAQ) Title V Fund expenses, which is then multiplied by the actual emissions released by the specific source to determine the emission fee component; (3) removing the emissions fee cap; (4) eliminating the Certified Emissions Statement (emission reporting requirements remain); and (5) the Title V fee program does not reference the Rule 22 minor source fee program.

The restructured Title V fee in West Virginia is calculated by adding the Consumer Price Index (CPI) adjusted base fee component (BF), the CPI adjusted complexity fee component (CF), and the emissions fee component (EF).

$$\text{Title V fee} = BF + CF + EF$$

All sources required to obtain a Title V operating permit shall pay an annual base fee (BF) of $5,000. All sources subject to CAA 111 and 112 shall pay a $1,000 complexity fee (CF), independent of the number of standards the source is subject to. Base and complexity fees are adjusted annually by the CPI. CPI for each calendar year is the average CPI for all-urban consumers published by the U.S. Bureau of Labor Statistics.

The Title V emission fee component (EF) is calculated by multiplying the dollar per ton ($/ton) emission fee factor (EFF) by the source's actual emissions (AE) of all regulated pollutants. The EFF is calculated on June 1 each year by the Secretary in accordance with a formula specified in 45CSR30 based on factors such as three fiscal year average expenses, interest, number of sources, CPI, and total actual emissions.

$$EF = EFF \times AE$$

With this fee structure change, West Virginia indicates that it can ensure that fees will remain sufficient to cover the costs of administering the plan approval application and operating permit process as required by section 502(b). Without this fee structure change, West Virginia indicates that its Title V program is vulnerable and may not be able to adjust to projected source and emission changes in order to sustain its Title V Operating Permit Program in a manner that is consistent with state and Federal requirements. If funds were to become insufficient to sustain an adequate Title V program in West Virginia, the EPA may determine that the state has not taken ''significant action to assure adequate administration and enforcement of the Program'' and take subsequent action as required under 40 CFR 70.10(b) and (c). This could lead to EPA withdrawing approval of the West Virginia Title V Operating Permit Program. Were that to occur, the EPA would have the authority and obligation to implement a Federal Title V operating permit program in West Virginia pursuant to 40 CFR part 71. The withdrawal of program approval could also lead to the

imposition of mandatory and discretionary sanctions under the CAA.

In a December 19, 2023 supplemental letter issued upon request by the EPA, West Virginia provided additional analysis regarding its revised fee structure. WVDEP indicated that it analyzed multiple scenarios before deciding upon the current fee structure. Currently, the state's Title V program has a surplus but there are measures in place to address a fee shortfall if that were to occur. WVDEP further explained how the fee structure revision will ensure the collection and retention of fees sufficient to meet the requirements of 40 CFR 70.9. This included a detailed explanation of how the emission fee is calculated, an example of how the EEF is calculated for fiscal year 2024, and how the fees collected are sufficient to fund West Virginia's Title V program.

This rulemaking proposes to approve West Virginia's restructuring of its Title V fee program in order to achieve a more diversified, equitable and sustainable fee collection system. In proposing such approval, the EPA has determined that the revision meets the requirements in section 502 of the CAA and 40 CFR 70.9 for the collection of sufficient Title V fees to cover permit program implementation and oversight costs.

B. Affirmative Defense, Permit Review and Public Petition Requirement Revisions

In the revision to 45CSR30, WVDEP removed section 5.7: Emergency provisions pursuant to the EPA's removal of the Federal affirmative defense provisions 40 CFR 70.6(g) and 71.6(g) in its July 21, 2023 final rule (88 FR 47029). ''These provisions established an affirmative defense that sources could have asserted in enforcement cases brought for noncompliance with technology-based emission limitations in operating permits, provided that the exceedances occurred due to qualifying emergency circumstances.'' *Id.* The provisions, which have never been required elements of state operating permit programs, were removed because they were inconsistent with the EPA's interpretation of the enforcement structure of the CAA in light of prior court decisions from the U.S. Court of Appeals for the DC Circuit. The removal is also consistent with other recent EPA actions involving affirmative defenses and would harmonize the EPA's treatment of affirmative defenses across different CAA programs. The final rule also provided guidance on the need and process for some state, local, and tribal permitting authorities to submit program revisions to the EPA to remove similar Title V affirmative defense provisions from their EPA-approved Title V programs, and to remove similar provisions from individual operating permits.

WVDEP's removal of section 5.7 is consistent with the Federal final rule and 40 CFR part 70 regulations. West Virginia submitted a redline document identifying the state's proposed revision to its part 70 program rules. In the December 2023 supplemental letter, WVDEP provided clarification on its legal authority authorizing the revision to 5.7 and provided a schedule to remove affirmative defense provisions from individual permits in West Virginia.

WVDEP also revised section 7.1, 7.3 and 7.4 of 45CSR30 on public petitions and permit review requirements to comport with revisions to Federal counterpart regulations, ''Revisions to the Petition Provisions of the Title V Permitting Program'' (85 FR 6431, February 5, 2020). The EPA revised the regulations to streamline and clarify processes related to submission and review of Title V petitions. The Federal rule implements changes in three key areas: method of petition submittal to the agency; required content and format of petitions; and administrative record requirements for permits. In the first area, the EPA established an electronic submittal system as the preferred method of submittal, with specified email and physical addresses as alternate routes to submit petitions. To help petitioners in preparing their petitions, as well as the EPA in reviewing and responding to petitions, the EPA incorporated certain content and format requirements into the regulations. Finally, the EPA requires permitting authorities to prepare a written response to comments (RTC) document if significant comments are received during the public participation process on a draft permit, and requiring that the RTC, when applicable, be sent to the agency with the proposed permit and necessary documents including the statement of basis for its 45-day review. WVDEP's revision of sections 7.1, 7.3 and 7.4 of 45CSR30 is to reflect the changes in these three areas and is consistent with the Federal final rule.

Additionally, WVDEP revised section 1 regarding the scope of the rule, filing date, and effective date, some definitions in section 2 to provide additional clarifications, and removed other obsolete transitional language in sections 4, 6 and 9 of 45CSR30.

This rulemaking proposes to approve West Virginia's revisions removing the affirmative defense provisions, comporting with Federal changes to the permit review and public petition requirements, and adding clarifying language. The revisions and state submission are consistent with the EPA's implementation guidance in the relevant Federal final rules.

III. Proposed Action

Pursuant to 40 CFR 70.4(i)(2), the EPA is proposing to approve a revision to the West Virginia Title V Operating Permit Program submitted on May 3, 2023, to restructure its fee schedule in order to achieve a diversified, equitable and sustainable fee revenue system. The EPA is also proposing to approve revisions to the EPA approved West Virginia Title V program that remove emergency affirmative defense provisions, ensure that petition review and public participation provisions are consistent with Federal counterpart regulations, and add clarifying language. The revisions meet the relevant requirements of section 502 of the CAA and 40 CFR 70.4 and 70.9. The EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator approves Title V operating permit program revisions that comply with the Act and applicable Federal Regulations. See 42 U.S.C. 7661a(d). Thus, in reviewing Title V operating permit program submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. This action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act;

This proposed rulemaking does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the Title V action is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

Executive Order 12898 directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations (people of color and/or Indigenous peoples) and low-income populations.

EPA believes that this Title V action does not concern human health or environmental conditions and therefore cannot be evaluated with respect to potentially disproportionate and adverse effects on people of color, low-income populations and/or Indigenous peoples. This Title V action merely approves into West Virginia's part 70 operating permit program the relevant West Virginia regulations for fees that are required to administer the Title V program in West Virginia, revises state regulations to comport with amended EPA regulations addressing Federal permit review, public petition, and affirmative defense requirements, and removes obsolete language. The Title V fees are already being collected by the State, the EPA regulations which the state is mirroring via these revisions are in effect, and the removal of obsolete language ensures clarity in the regulatory process. This Title V action therefore does not directly address emission limits or otherwise directly affect any human health or environmental conditions in the state of West Virginia. In addition, EPA is providing meaningful involvement on this rulemaking through the notice and comment process, and that is in addition to the State-level notice and comment process held by West Virginia.

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Carbon monoxide, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Adam Ortiz,

Regional Administrator, Region III.

[FR Doc. 2024–05894 Filed 3–20–24; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 89, No. 56
Thursday, March 21, 2024

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and approval under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding: whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology Comments regarding these information collections are best assured of having their full effect if received by April 22, 2024. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Agricultural Marketing Service

Title: Cotton Classing, Testing, and Standards.

OMB Control Number: 0581–0008.

Summary of Collection: The U.S. Cotton Standards Act, 7 U.S.C. 51, 53 and 55, authorizes the USDA to supervise the various activities directly associated with the classification or grading of cotton, cotton linters, and cottonseed based on official USDA Standards. The Cotton and Tobacco Program of the Agricultural Marketing Service carries out this supervision and is responsible for the maintenance of the functions to which these forms relate. USDA is the only Federal agency authorized to establish and promote the use of the official cotton standards of the U.S. in interstate and foreign commerce and to supervise the various activities associated with the classification or grading of cotton, cotton linters, and cottonseed based on official USDA standards.

Need and Use of the Information: The Agricultural Marketing Service collects the information using various forms. Form FD–210 (formerly CN–357) is submitted by owners of cotton to request cotton classification services. The request contains information for USDA to ascertain proper ownership of the samples submitted, distribute classification results, and bill for services. Information about the origin and handling of the cotton is necessary in order to properly evaluate and classify the samples.

Form CN–246 is submitted by cotton gins and warehouses seeking to serve as licensed samplers. The license period is 5 years. Licenses issued by the USDA, AMS, Cotton and Tobacco Program authorize the warehouse/gin to draw and submit samples to ensure the proper application of standards in the classification of cotton and to prevent deception in their use.

Form CN–383 is a package of forms designated as CN–383–a through CN–383–k which is submitted by cotton producers, ginners, warehouseman, cooperatives, manufacturers, merchants, and crushers interested in acquiring cotton classification standards and round testing services. Forms CN–383–a,b,c,d,h,i and k are used for ordering cotton classification standards. Forms CN–383–e,f,g and j are used for ordering round testing services. For the round testing services, additional data sheets are produced and provided by USDA for the purpose of collecting test data. Since the last information collection renewal, on form 383A, the ranges of values for the cotton were replaced by Xs due to slight changes that occur in the range of cotton values as the agency procures cottons and establishes values.

If this information is not collected or collected less frequency, Federal services could not be provided as authorized by the U.S. Cotton Standards Act.

Description of Respondents: Business or other for-profit.

Number of Respondents: 858.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 134.

Agricultural Marketing Service

Title: Vegetable and Specialty Crops.

OMB Control Number: 0581–0178.

Summary of Collection: The Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601–674; Act) was designed to permit regulation of certain agricultural commodities for the purpose of providing orderly marketing conditions in interstate commerce and improving returns to growers. The Orders and Agreements become effective only after public hearings are held in accordance with formal rulemaking procedures specified by the Act. The vegetable, and specialty crops marketing order programs provide an opportunity for producers in specified production areas to work together to solve marketing problems that cannot be solved individually.

Need and Use of the Information: Various forms are used to collect information necessary to effectively carry out the requirements of the Act and the Order/Agreement. This includes forms covering the selection process for industry members to serve on a marketing order's committee or board and ballots used in referenda to amend or continue marketing orders. Orders and Agreements can authorize the issuance of grade, size, quality, maturity, inspection requirements, pack and container requirements, and pooling and volume regulations. Information collected is used to formulate market policy, track current inventory and statistical data for market development programs, ensure compliance, and verify eligibility,

monitor and record grower's information. If this information were not collected, it would eliminate data needed to keep the industry and the Secretary abreast of changes at the State and local level.

Description of Respondents: Business or other for profit; Farms.

Number of Respondents: 14,190.

Frequency of Responses: Reporting: On occasion, Annually.

Total Burden Hours: 18,438.

Agricultural Marketing Service

Title: National Organic Program.

OMB Control Number: 0581–0191.

Summary of Collection: The Organic Foods Production Act of 1990 (OFPA), as amended (7 U.S.C. chapter 94) (Attachment 1), authorized the Secretary of Agriculture to establish the National Organic Program (NOP) and accredit certifying agents to certify that farms and businesses meet national organic standards. Under OFPA, the purpose of the NOP is to: (1) establish national standards governing the marketing of certain agricultural products as organically produced products; (2) assure consumers that organically produced products meet a consistent standard; and (3) facilitate interstate commerce in fresh and processed food that is organically produced (7 U.S.C. 6501).

Need and Use of the Information: The information collected is used by USDA, State program governing State officials, and certifying agents. The information is used to evaluate compliance with OFPA and NOP for administering the program, for management decisions and planning, for establishing the cost of the program and to support any administrative and regulatory actions in response to non-compliance with OFPA. Certifying agents will have to submit an application to USDA to become accredited to certify organic production and handling operations. Auditors will review the application, perform site evaluation and submit reports to USDA, who will make a decision to grant or deny accreditation. Producers, handlers and certifying agents whose operations are not approved have the right to mediation and appeal the decision. Reporting and recordkeeping are essential to the integrity of the organic certification system. If the collection of information was not conducted, the AMS would not be able to carry out the intent of Congress as it enforces the OFPA.

Description of Respondents: Farms; Business or other for-profit; State, Local or Tribal Government.

Number of Respondents: 55,285.

Frequency of Responses: Reporting: Annually; Recordkeeping.

Total Burden Hours: 3,940,459.

Agricultural Marketing Service

Title: List of U.S. Manufacturers of Specific CVM-Regulated Products with Interest in Exporting Covered Products to China.

OMB Control Number: 0581–0339.

Summary of Collection: The Agricultural Marketing Act of 1946 (AMA) (7 U.S.C. 1621–1627) as amended directs and authorizes the U.S. Department of Agriculture (USDA) to provide inspection, certification, and verification services of the quality and condition of agricultural products which facilitate the marketing of agricultural products. To provide programs and services, section 203(h) of the AMA (7 U.S.C. 1622(h)) directs and authorizes the Secretary of Agriculture to inspect, certify, and verify agricultural products under such rules and regulations as the Secretary may prescribe, including assessment and collection of fees for the cost of service. The regulation in 7 CFR 62—AMS Audit Verification and Accreditation Programs is a collection of voluntary, audit-based, user-fee funded verification programs that allow applicants to have program documentation and program processes assessed by AMS auditor(s) and other USDA officials.

Need and Use of the Information: The information collected is used only by authorized representatives of USDA (AMS, Livestock and Poultry Program's QAD auditing staff) and is used to conduct services requested by respondents. Information collected includes but is not limited to facility name, address, and identifier, and product. The information collection requirements in this request are essential to carry out the intent of the AMA, to provide the respondents the type of service they request, and to administer the program.

Description of Respondents: Businesses or other for-profits.

Number of Respondents: 450.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 37.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2024–06001 Filed 3–20–24; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–49–2024]

Foreign-Trade Zone 44; Application for Subzone; Bentex Group Inc.; Piscataway, New Jersey

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the State of New Jersey, Department of State, grantee of FTZ 44, requesting subzone status for the facility of Bentex Group Inc. (Bentex), located in Piscataway, New Jersey. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on March 18, 2024.

The proposed subzone (6.26 acres) is located at 800 Centennial Avenue, Suite 300, Piscataway, New Jersey. No authorization for production activity has been requested at this time. The proposed subzone would be subject to the existing activation limit of FTZ 44.

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

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is April 30, 2024. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to May 15, 2024.

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

For further information, contact Christopher Kemp at *Christopher.Kemp@trade.gov.*

Dated: March 18, 2024.

Elizabeth Whiteman,

Executive Secretary.

[FR Doc. 2024–06029 Filed 3–20–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–601]

Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China: Continuation of the Antidumping Duty Order

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

SUMMARY: As a result of the determinations by the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC) that revocation of the antidumping duty (AD) order on tapered roller bearings (TRBs) from the People's Republic of China (China) would be likely to lead to continuation or recurrence of dumping and material injury to an industry in the United States, Commerce is publishing a notice of continuation of this AD order.

DATES: Applicable March 14, 2024.

FOR FURTHER INFORMATION CONTACT: Genevieve Coen or Benjamin Nathan, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3251 or (202) 482–3834, respectively.

SUPPLEMENTARY INFORMATION:

Background

On June 15, 1987, Commerce published in the **Federal Register** the AD order on TRBs from China.[1] On September 1, 2023, the ITC instituted [2] and Commerce initiated the fifth sunset review of the *Order,* pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). As a result of its review, Commerce determined that revocation of the *Order* would likely lead to the continuation or recurrence of dumping, and, therefore, notified the ITC of the magnitude of the margins of dumping likely to prevail should the *Order* be revoked.[3]

On March 14, 2024, the ITC published its determination, pursuant to sections 751(c) and 752(a) of the Act, that revocation of the *Order* would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[4]

Scope of the Order

The products covered by the *Order* are tapered roller bearings and parts thereof, finished and unfinished, from China; flange, take up cartridge, and hanger units incorporating tapered roller bearings; and tapered roller housings (except pillow blocks) incorporating tapered rollers, with or without spindles, whether or not for automotive use. These products are currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 8482.20.00, 8482.91.00.50, 8482.99.15, 8482.99.45, 8483.20.40, 8483.20.80, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.80, 8708.70.6060, 8708.99.2300, 8708.99.4850, 8708.99.6890, 8708.99.8115,[5] and 8708.99.8180.[6] Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the *Order* is dispositive.[7]

Continuation of the Order

As a result of the determinations by Commerce and the ITC that revocation of the *Order* would likely lead to continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, Commerce hereby orders the continuation of the *Order.* U.S. Customs and Border Protection will continue to collect AD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise.

The effective date of the continuation of the *Order* will be March 14, 2024.[8] Pursuant to section 751(c)(2) of the Act and 19 CFR 351.218(c)(2), Commerce intends to initiate the next five-year reviews of the *Order* not later than 30 days prior to fifth anniversary of the date of the last determination by the ITC.

Administrative Protective Order (APO)

This notice also serves as a final reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceedings. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

This five-year (sunset) review and this notice are in accordance with sections 751(c) and 751(d)(2) of the Act and published in accordance with section 777(i) of the Act and 19 CFR 351.218(f)(4).

Dated: March 15, 2024.

Ryan Majerus,

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

[FR Doc. 2024–05938 Filed 3–20–24; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Antidumping Duty Order; Tapered Roller Bearings and Parts Thereof, Finished or Unfinished, from the People's Republic of China,* 52 FR 22667 (June 15, 1987), as amended by *Tapered Roller Bearings from the People's Republic of China; Amendment to Final Determination of Sale at Less Than Fair Value and Antidumping Duty Order in Accordance with Decision Upon Remand,* 55 FR 6669 (February 26, 1990) (*Order*).

[2] *See Tapered Roller Bearings from China; Institution of a Five-Year Review,* 88 FR 60489 (September 1, 2023).

[3] *See Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from the People's Republic of China: Final Results of the Expedited Fifth Sunset Review of Antidumping Duty Order,* 88 FR 86880 (December 15, 2023), and accompanying Issues and Decision Memorandum.

[4] *See Tapered Roller Bearings from China,* 89 FR 18668 (March 14, 2024) (*ITC Final Determination*).

[5] *See Modifications to the Harmonized Tariff Schedule of the United States Under Section 1206 of the Omnibus Trade and Competitiveness Act of 1988,* USITC Publication 3898 (December 2006), found at *https://www.usitc.gov.* Effective January 1, 2007, the HTSUS subheading 8708.99.8015 is renumbered as 8708.99.8115.

[6] *Id.;* effective January 1, 2007, the HTSUS subheading 8708.99.8080 is renumbered as 8708.99.8180.

[7] Subsequent to the issuance of the *Order,* Commerce has issued numerous scope rulings. *See* Memoranda, ''Final Scope Ruling on Blackstone OTR LLC and OTR Wheel Engineering, Inc.'s Wheel Hub Assemblies and TRBs,'' dated February 7, 2011 (finding Blackstone OTR LLC and OTR Wheel Engineering, Inc.'s wheel hub assemblies are within the scope of the *Order*); ''Final Scope Ruling on New Trend Engineering Ltd.'s Wheel Hub Assemblies,'' dated April 18, 2011 (finding New Trend Engineering Limited's splined and non-splined wheel hub assemblies without antilock braking system (ABS) elements are included in the scope of the *Order* and its wheel hub assemblies with ABS elements are also included in the scope of the *Order*); ''Final Scope Determination on Bosda's Wheel Hub Assemblies,'' dated June 14, 2011 (finding Bosda International (USA) LLC's wheel hub assemblies are within the scope of the *Order*); and ''Final Scope Determination on DF Machinery's Agricultural Hub Units,'' dated August 3, 2011 (finding DF Machinery International, Inc.'s agricultural hub units are included in the scope of the *Order*).

[8] *See ITC Final Determination.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–873]

Mattresses From Taiwan: Amended Preliminary Determination of Critical Circumstances for All Other Producers and/or Exporters

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

SUMMARY: The U.S. Department of Commerce (Commerce) is amending its preliminary determination in the less-than-fair-value investigation of mattresses from Taiwan to correct a significant ministerial error with respect to our preliminary determination of critical circumstances for all other producers and/or exporters. The period of investigation is July 1, 2022, through June 30, 2023.

DATES: Applicable March 21, 2024.

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

SUPPLEMENTARY INFORMATION:

Background

On February 24, 2024, Commerce issued its *Preliminary Determination,* which subsequently published in the **Federal Register** on March 1, 2024.[1] On February 28, 2024, we received a timely-filed ministerial error allegation from Cozy Comfort LLC (Cozy Comfort), alleging that Commerce made a significant ministerial error in the *Preliminary Determination*.[2] After reviewing the allegation, we determine that we made a significant ministerial error with respect to our preliminary critical circumstances determination. Therefore, we are amending the *Preliminary Determination* to find that critical circumstances do not exist for all other producers and/or exporters. This amended determination does not affect our preliminary affirmative critical circumstances determination for Fuyue Mattress Industry Co., Ltd.; Star Seeds Co., Ltd.; and Yong Yi Cheng Co., Ltd.

Scope of the Investigation

The products covered by this investigation are mattresses from Taiwan. For a complete description of the scope of the investigation, *see* the *Preliminary Determination*.[3]

Analysis of Ministerial Error Allegation

Pursuant to 19 CFR 351.224, and as explained further in the Ministerial Error Memorandum,[4] we determine that we made an error in our preliminary critical circumstances calculation for all other producers and/or exporters in the *Preliminary Determination.* Specifically, in determining whether there were massive imports over a relatively short period for all other producers and/or exporters, pursuant to section 733(e)(1)(B) of the Tariff Act of 1930, as amended (the Act), using data from the Global Trade Atlas, imports between the base and comparison periods did not meet the 15 percent threshold necessary to determine that such imports were massive.[5] Correcting this error results in a preliminary determination that imports were not massive for all other producers and/or exporters, resulting in a change to the preliminary affirmative critical circumstances determination for all other producers and/or exporters.[6] Commerce considers this ministerial error to be significant, warranting an amendment of the *Preliminary Determination*.[7] As a result, we are amending our preliminary determination to find that imports for other producers and/or exporters were not massive, pursuant to 733(e)(1)(B) of the Act and 19 CFR 351.206(c)(2)(1). Accordingly, we find that critical circumstances do not exist with respect to all other producers and/or exporters.

Suspension of Liquidation

The collection of cash deposits and suspension of liquidation will be revised, in accordance with section 733(e) of the Act. We will instruct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise from all other producers and/or exporters, entered, or withdrawn from warehouse, for consumption on or after March 1, 2024, the date of publication of the *Preliminary Determination.*

We will also instruct CBP to require a cash deposit for all other producers and/or exporters at the estimated all-others rate listed in the *Preliminary Determination.* These suspension of liquidation instructions will remain in effect until further notice.

Notification of U.S. International Trade Commission (ITC)

In accordance with section 733(f) of the Act, we will notify the ITC of our amended preliminary determination.

Notification to Interested Parties

This determination is issued and published pursuant to sections 733(f) and 777(i)(1) of the Act, and 19 CFR 351.224(e).

Dated: March 15, 2024.

Ryan Majerus,

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

[FR Doc. 2024–05937 Filed 3–20–24; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Mattresses from Taiwan: Preliminary Affirmative Determination of Sales at Less Than Fair Value and Preliminary Affirmative Determination of Critical Circumstances,* 89 FR 15129 (March 1, 2024) (*Preliminary Determination*).

[2] See Cozy Comfort's Letter, ''Ministerial Error Allegation,'' dated February 28, 2024.

[3] *Id.,* 89 FR at 15131.

[4] *See* Memorandum, ''Less-Than-Fair-Value Investigation of Mattresses from Taiwan: Allegation of Ministerial Errors in Preliminary Determination,'' dated concurrently with this notice (Ministerial Error Memorandum).

[5] *See* Ministerial Error Memorandum at 2 to 3.

[6] *Id.*

[7] *Id.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–549–835, A–570–069, C–570–070]

Rubber Bands From the People's Republic of China and Thailand: Final Results of Sunset Reviews and Revocation of Antidumping Duty and Countervailing Duty Orders

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

SUMMARY: On January 2, 2024, the U.S. Department of Commerce (Commerce) initiated the first sunset reviews of the antidumping duty (AD) and countervailing duty (CVD) orders on rubber bands from the People's Republic of China (China) and the AD order on rubber bands from Thailand. Because no domestic interested party filed a timely notice of intent to participate in these sunset reviews, Commerce is revoking the AD and CVD orders on rubber bands from the China and the AD order on rubber bands from Thailand.

DATES: Applicable February 19, 2024 (China AD/CVD) and April 26, 2024 (Thailand).

FOR FURTHER INFORMATION CONTACT: Brendan Quinn, 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) 482–5848.

SUPPLEMENTARY INFORMATION:

Background

On February 19, 2019, Commerce published AD and CVD orders on rubber bands from China.[1] On April 26, 2019, Commerce published an AD order on rubber bands from Thailand.[2] On January 2, 2024, Commerce initiated the current sunset reviews pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.218(c).[3]

We did not receive a timely notice to participate in these sunset reviews from any domestic interested party within fifteen days of the publication of the *Initiation Notice* in the **Federal Register**, in accordance with 19 CFR 351.218(d)(1)(i). As a result, consistent with 19 CFR 351.218(d)(1)(iii)(A)(1), Commerce has determined that no domestic interested party intends to participate in these sunset reviews. On January 23, 2024, in accordance with 19 CFR 351.218(d)(1)(iii)(B)(2), Commerce notified the U.S. International Trade Commission (ITC) in writing that we intended to revoke the AD and CVD orders (collectively, *Orders*) on rubber bands from China and the AD order on rubber bands from Thailand.[4]

Scope of the Orders

The scope of the *Orders* covers bands made of vulcanized rubber, with a flat length, as actually measured end-to-end by the band lying flat, no less than ½ inch and no greater than 10 inches; with a width, which measures the dimension perpendicular to the length, actually of at least 3/64 inch and no greater than 2 inches; and a wall thickness actually from 0.020 inch to 0.125 inch. Vulcanized rubber has been chemically processed into a more durable material by the addition of sulfur or other equivalent curatives or accelerators. Subject products are included regardless of color or inclusion of printed material on the rubber band's surface, including but not limited to, rubber bands with printing on them, such as a product name, advertising, or slogan, and printed material (*e.g.,* a tag) fastened to the rubber band by an adhesive or another temporary type of connection. The scope includes vulcanized rubber bands which are contained or otherwise exist in various forms and packages, such as, without limitation, vulcanized rubber bands included within a desk accessory set or other type of set or package, and vulcanized rubber band balls. The scope excludes products that consist of an elastomer loop and durable tag all-in-one, and bands that are being used at the time of import to fasten an imported product.

Excluded from the scope of the *Orders* are vulcanized rubber bands of various sizes with arrow shaped rubber protrusions from the outer diameter that exceeds at the anchor point a wall thickness of 0.125 inches and where the protrusion is used to loop around, secure and lock in place.

Excluded from the scope of the *Orders* are yarn/fabric-covered vulcanized rubber hair bands, regardless of size.

Merchandise covered by the *Orders* is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheading 4016.99.3510. Merchandise covered by the scope may also enter under HTSUS subheading 4016.99.6050. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the *Orders* is dispositive.

Revocation

Pursuant to section 751(c)(3)(A) of the Act and 19 CFR 351.218(d)(1)(iii)(B)(3), if no domestic interested parties respond to a notice of initiation, Commerce shall, within 90 days after the initiation of the review, revoke the order. Because no domestic interested party filed a notice of intent to participate in these sunset reviews, we are revoking the AD and CVD orders on rubber bands from China and the AD order on rubber bands from Thailand.

Effective Date of Revocation

Pursuant to sections 751(c)(3)(A) and 751(c)(6)(A)(iii) of the Act, and 19 CFR 351.222(i)(2)(i), where Commerce revokes an order, the revocation will be effective on or after the fifth anniversary of the date of publication in the **Federal Register** of the order. Therefore, Commerce intends instruct U.S. Customs and Border Protection to terminate the suspension of liquidation of merchandise entered, or withdrawn from warehouse, on or after: February 19, 2024, for merchandise subject to the *China AD and CVD Orders,* and April 26, 2024, for merchandise subject to the *Thailand AD Order.*

Entries of subject merchandise prior to the effective date of revocation will continue to be subject to suspension of liquidation and antidumping duty and countervailing duty deposit requirements. Commerce will complete any pending reviews of these orders and will conduct administrative reviews of subject merchandise entered prior to the effective date of revocation in response to appropriately filed requests for review.

Notification to Interested Parties

These five-year (sunset) reviews, the revocation of the *Orders,* and this notice are issued and published in accordance with sections 751(c) and 777(i)(1) of the Act and 19 CFR 351.218(f)(4) and 351.222(i)(1)(i).

Dated: March 14, 2024.

Ryan Majerus,

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

[FR Doc. 2024–06025 Filed 3–20–24; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Rubber Bands from the People's Republic of China: Antidumping Duty and Countervailing Duty Orders,* 84 FR 4774 (February 19, 2019) (*China AD and CVD Orders*).

[2] *See Rubber Bands from Thailand: Antidumping Duty Order,* 84 FR 17779 (April 26, 2019) (*Thailand AD Order*).

[3] *See Initiation of Five-Year (Sunset) Reviews,* 89 FR 66 (January 2, 2024) (*Initiation Notice*).

[4] *See* Commerce's Letter, ''Sunset Reviews Initiated on January 2, 2024,'' dated January 23, 2024.

DEPARTMENT OF COMMERCE

International Trade Administration

[C–201–846]

Agreement Suspending the Countervailing Duty Investigation on Sugar From Mexico: Final Results of the 2022 Administrative Review

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that the Government of Mexico (GOM) and the respondent companies selected for individual examination, Compañía Industrial Azucarera S.A. de C.V. and its affiliates and Ingenio Presidente Benito Juarez S.A. de C.V. (collectively, respondents), were in compliance with the terms of the Agreement Suspending the Countervailing Duty Investigation on Sugar from Mexico, as amended (CVD Agreement), during the period of review (POR) from January 1, 2022, through December 31, 2022. Commerce also determines that the CVD Agreement met the statutory requirements during the POR.

DATES: Applicable March 21, 2024.

FOR FURTHER INFORMATION CONTACT: Sally C. Gannon or Jill Buckles, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0162 or (202) 482–6230, respectively.

SUPPLEMENTARY INFORMATION:

Background

On December 27, 2023, Commerce published the *Preliminary Results* of this administrative review.[1] We invited interested parties to comment on the *Preliminary Results.* No interested party submitted comments. Hence, these final results are unchanged from the *Preliminary Results,* and no memorandum accompanies this notice.

Scope of the CVD Agreement

The product covered by this CVD Agreement is raw and refined sugar of all polarimeter readings derived from sugar cane or sugar beets. Merchandise covered by this CVD Agreement is typically imported under the following headings of the HTSUS: 1701.12.1000, 1701.12.5000, 1701.13.1000, 1701.13.5000, 1701.14.1020, 1701.14.1040, 1701.14.5000, 1701.91.1000, 1701.91.3000, 1701.99.1015, 1701.99.1017, 1701.99.1025, 1701.99.1050, 1701.99.5015, 1701.99.5017, 1701.99.5025, 1701.99.5050, and 1702.90.4000.[2] The tariff classification is provided for convenience and customs purposes; however, the written description of the scope of this CVD Agreement is dispositive.

A full description of the scope of the CVD Agreement is contained in the Preliminary Decision Memorandum.[3]

Analysis

Commerce continues to determine that the CVD Agreement met the statutory requirements under sections 704(c) and (d) of the Tariff Act of 1930, as amended (the Act), during the POR. We also continue to find that the GOM and respondents selected for individual examination were in compliance with the terms of the CVD Agreement during the POR.

Notification Regarding Administrative Protective Order

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

Notification to Interested Parties

We are issuing and publishing these results of review in accordance with sections 751(a)(l) and 777(i)(l) of the Act and 19 CFR 351.213 and 19 CFR 351.221(b)(5).

Dated: March 15, 2024.

Ryan Majerus,

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

[FR Doc. 2024–06026 Filed 3–20–24; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Agreement Suspending the Countervailing Duty Investigation on Sugar from Mexico; Preliminary Results of the 2022 Administrative Review,* 88 FR 89368 (December 27, 2023) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

[2] Prior to July 1, 2016, merchandise covered by the CVD Agreement was classified in the HTSUS under subheading 1701.99.1010. Prior to January 1, 2020, merchandise covered by the CVD Agreement was classified in the HTSUS under subheadings 1701.14.1000 and 1701.99.5010.

[3] *See Preliminary Results* PDM at 3–4.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XD817]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public webinar of its Risk Policy Working Group to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). This meeting will be held in-person with a webinar option. Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Tuesday, April 9, 2024, at 9:30 a.m.

ADDRESSES: *Webinar registration URL information: https://nefmc-org.zoom.us/meeting/register/tJMkdOGqrz8sG9cbZkeYEVU0Yq_JHG82ErpB.*

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

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

SUPPLEMENTARY INFORMATION:

Agenda

The Risk Policy Working Group (RPWG) will address the terms of reference (TORs) approved by the Council, including the development of possible changes to the risk policy. In particular, the RPWG will focus on how a revised risk policy could work within the Council process and be implemented in conjunction with harvest control rules. Other business will be discussed, if necessary.

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

Special Accommodations

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

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

Dated: March 18, 2024.

Rey Israel Marquez,

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

[FR Doc. 2024–06010 Filed 3–20–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XD807]

Schedules for Atlantic Shark Identification Workshops and Protected Species Safe Handling, Release, and Identification Workshops

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

ACTION: Notice of public workshops.

SUMMARY: Free Atlantic Shark Identification Workshops and Safe Handling, Release, and Identification Workshops will be held in April, May, and June of 2024. Certain fishermen and shark dealers are required to attend a workshop to meet regulatory

requirements and to maintain valid permits. Specifically, the Atlantic Shark Identification Workshop is mandatory for all federally permitted Atlantic shark dealers. The Safe Handling, Release, and Identification Workshop is mandatory for vessel owners and operators who use bottom longline, pelagic longline, or gillnet gear, and who have also been issued shark or swordfish limited access permits. Additional free workshops will be conducted in 2024 and will be announced in a future notice. In addition, NMFS has implemented online recertification workshops for persons who have already taken an in-person training.

DATES: The Atlantic Shark Identification Workshops will be held on May 16, 2024 and June 20, 2024. The Safe Handling, Release, and Identification Workshops will be held on April 3, 2024, May 1, 2024, and June 18, 2024.

ADDRESSES: The Atlantic Shark Identification Workshops will be held in Manahawkin, NJ and Pompano Beach, FL. The Safe Handling, Release, and Identification Workshops will be held in Charleston, SC, Destin, FL, and Ronkonkoma, NY.

FOR FURTHER INFORMATION CONTACT: Elsa Gutierrez by email at *elsa.gutierrez@noaa.gov or by phone at 301–427–8503.*

SUPPLEMENTARY INFORMATION: Atlantic highly migratory species (HMS) fisheries are managed under the 2006 Consolidated HMS Fishery Management Plan (FMP) and its amendments pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) and consistent with the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*). HMS implementing regulations are at 50 CFR part 635. Section 635.8 describes the requirements for the Atlantic Shark Identification Workshops and Safe Handling, Release, and Identification Workshops. The workshop schedules, registration information, and a list of frequently asked questions regarding the Atlantic Shark Identification and Safe Handling, Release, and Identification workshops are available online at: *https://www.fisheries.noaa.gov/atlantic-highly-migratory-species/atlantic-shark-identification-workshops* and *https://www.fisheries.noaa.gov/atlantic-highly-migratory-species/safe-handling-release-and-identification-workshops.*

Atlantic Shark Identification Workshops

Since January 1, 2008, Atlantic shark dealers have been prohibited from receiving, purchasing, trading, or bartering for Atlantic sharks unless a valid Atlantic Shark Identification Workshop certificate is on the premises of each business listed under the shark dealer permit that first receives Atlantic sharks (71 FR 58057, October 2, 2006). Dealers who attend and successfully complete a workshop are issued a certificate for each place of business that is permitted to receive sharks. These certificate(s) are valid for 3 years. Thus, certificates that were initially issued in 2021 will expire in 2024.

Currently, permitted dealers may send a proxy to an Atlantic Shark Identification Workshop. However, if a dealer opts to send a proxy, the dealer must designate a proxy for each place of business covered by the dealer's permit that first receives Atlantic sharks. Only one certificate will be issued to each proxy. A proxy must be a person who is currently employed by a place of business covered by the dealer's permit; is a primary participant in the identification, weighing, and/or first receipt of fish as they are offloaded from a vessel; and who fills out dealer reports. Atlantic shark dealers are prohibited from renewing a Federal shark dealer permit unless a valid Atlantic Shark Identification Workshop certificate for each business location that first receives Atlantic sharks has been submitted with the permit renewal application. Additionally, a copy of a valid dealer or proxy Atlantic Shark Identification Workshop certificate must be in any trucks or other conveyances that are extensions of a dealer's place of business.

Workshop Dates, Times, and Locations

1. May 16, 2024, 12 p.m.–4 p.m. eastern daylight time (EDT), Holiday Inn Manahawkin, 151 Route 72 East, Manahawkin, NJ 08050.

2. June 20, 2024, 12 p.m.–4 p.m. EDT, Hampton Inn Fort Lauderdale Pompano Beach, 900 S Federal Highway, Pompano Beach, FL 33062.

Registration

To register for a scheduled Atlantic Shark Identification Workshop, please contact Eric Sander at *ericssharkguide@yahoo.com* or at 386–852–8588. Pre-registration is highly recommended, but not required.

Registration Materials

To ensure that workshop certificates are linked to the correct permits, participants will need to bring the following specific items to the workshop:

- Atlantic shark dealer permit holders must bring proof that the attendee is an owner or agent of the business (such as articles of incorporation), a copy of the applicable permit, and proof of identification.
- Atlantic shark dealer proxies must bring documentation from the permitted dealer acknowledging that the proxy is attending the workshop on behalf of the permitted Atlantic shark dealer for a specific business location, a copy of the appropriate valid permit, and proof of identification.

Workshop Objectives

The Atlantic Shark Identification Workshops are designed to reduce the number of unknown and improperly identified sharks reported in the dealer reporting form and increase the accuracy of species-specific dealer-reported information. Reducing the number of unknown and improperly identified sharks will improve quota monitoring and the data used in stock assessments. These workshops will train shark dealer permit holders or their proxies to properly identify Atlantic shark carcasses.

Safe Handling, Release, and Identification Workshops

Since January 1, 2007, shark limited access and swordfish limited access permit holders who fish with longline or gillnet gear have been required to submit a copy of their Safe Handling, Release, and Identification Workshop certificate in order to renew either permit (71 FR 58057, October 2, 2006). These certificate(s) are valid for 3 years. Certificates issued in 2021 will expire in 2024. As such, vessel owners who have not already attended a workshop and received a NMFS certificate, or vessel owners whose certificate(s) will expire prior to the next permit renewal, must attend a workshop to fish with, or renew, their swordfish and shark limited access permits. Additionally, new shark and swordfish limited access permit applicants who intend to fish with longline or gillnet gear must attend a Safe Handling, Release, and Identification Workshop and submit a copy of their workshop certificate before either of the permits will be issued.

In addition to vessel owners, at least one operator on board vessels issued a limited access swordfish or shark permit that uses longline or gillnet gear is required to attend a Safe Handling, Release, and Identification Workshop and receive a certificate. Vessels that have been issued a limited access swordfish or shark permit and that use longline or gillnet gear may not fish unless both the vessel owner and operator have valid workshop certificates on board at all times. Vessel operators who have not already attended a workshop and received a

NMFS certificate, or vessel operators whose certificate(s) will expire prior to their next fishing trip, must attend a workshop to operate a vessel with swordfish and shark limited access permits on which longline or gillnet gear is used.

Workshop Dates, Times, and Locations

1. April 3, 2024, 9 a.m.–2 p.m. EDT, Marine Resources Center at Fort Johnson Outdoor Classroom, 217 Fort Johnson Road, Charleston, SC 29412.
2. May 1, 2024, 9 a.m.–2 p.m. EDT, Embassy Suites by Hilton Destin Miramar Beach, 570 Scenic Gulf Drive, Destin, FL 32550.
3. June 18, 2024, 9 a.m.–2 p.m. EDT, Courtyard Long Island MacArthur Airport, 5000 Express Drive South, Ronkonkoma, NY 11779.

Registration

To register for a scheduled Safe Handling, Release, and Identification Workshop, please contact Angler Conservation Education at 386–682–0158. Pre-registration is highly recommended, but not required.

Registration Materials

To ensure that workshop certificates are linked to the correct permits, participants will need to bring the following specific items with them to the workshop:

- Individual vessel owners must bring a copy of the appropriate swordfish and/or shark permit(s), a copy of the vessel registration or documentation, and proof of identification;
- Representatives of a business-owned or co-owned vessel must bring proof that the individual is an agent of the business (such as articles of incorporation), a copy of the applicable swordfish and/or shark permit(s), and proof of identification; and
- Vessel operators must bring proof of identification.

Workshop Objectives

The Safe Handling, Release, and Identification Workshops are designed to teach the owner and operator of a vessel that fishes with longline or gillnet gear the required techniques for the safe handling and release of entangled and/or hooked protected species, such as sea turtles, marine mammals, smalltooth sawfish, Atlantic sturgeon, and prohibited sharks. In an effort to improve reporting, the proper identification of protected species and prohibited sharks will also be taught at these workshops. Additionally, individuals attending these workshops will gain a better understanding of the requirements for participating in these fisheries. The overall goal of these workshops is to provide participants with the skills needed to reduce the mortality of protected species and prohibited sharks, which may prevent additional regulations on these fisheries in the future.

Online Recertification Workshops

NMFS implemented an online option for shark dealers and owners and operators of vessels that fish with longline and gillnet gear to renew their certificates in December 2021. To be eligible for online recertification workshops, dealers and vessel owners and operators need to have previously attended an in-person workshop. Information about the courses is available online at *https://www.fisheries.noaa.gov/atlantic-highly-migratory-species/atlantic-shark-identification-workshops* and *https://www.fisheries.noaa.gov/atlantic-highly-migratory-species/safe-handling-release-and-identification-workshops.* To access the course please visit: *https://hmsworkshop.fisheries.noaa.gov/start.*

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

Dated: March 15, 2024.

Everett Wayne Baxter,

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

[FR Doc. 2024–05958 Filed 3–20–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XD789]

Caribbean Fishery Management Council; Public Meeting

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

ACTION: Notice of a public virtual meeting.

SUMMARY: The Caribbean Fishery Management Council's (Council) Scientific and Statistical Committee (SSC) will hold a two-and-a-half-day public hybrid meeting to address the items contained in the tentative agenda included in the **SUPPLEMENTARY INFORMATION**.

DATES: The SSC public hybrid meeting will be held on April 9, 2024, from 10 a.m. to 5 p.m.; April 10, 2024, from 10 a.m. to 5 p.m.; and April 11, 2024, from 10 a.m. to 2 p.m., Atlantic Standard Time (AST).

ADDRESSES: The SSC public hybrid meeting will be held at the Courtyard by Marriott Isla Verde Beach Resort, 7012 Boca de Cangrejos Avenue, Carolina, Puerto Rico 00979.

You may join the SSC public virtual meeting via Zoom from a computer, tablet, or smartphone by entering the following address: *https://us02web.zoom.us/j/81086075177?pwd=TlBLb0NjWmZaR2h0b2NEbmpOTWtiQT09.*

Meeting ID: 810 8607 5177.
Passcode: 546850.
One tap mobile:
+17193594580,,81086075177#,,,,*546850# US
+12532050468,,81086075177#,,,,*546850# US
Dial by your location:
+1 301 715 8592 US (Washington DC)
+1 305 224 1968 US
+1 309 205 3325 US
+1 646 558 8656 (New York)
+1 669 900 9128 US (San Jose)
+1 939 945 0244 (Puerto Rico)
Meeting ID: 810 8607 5177.
Passcode: 546850.
Find your local number: https://us02web.zoom.us/u/kQvrOfR9i.

In case of problems with ZOOM, please join the meeting via GoToMeeting by entering the following address: *https://meet.goto.com/768055309.* You can also dial in using your phone.

Access Code: 768–055–309.
United States: +1 (571) 757–317–3122.

Join from a video-conferencing room or system.

Meeting ID: 768–055–309.
Dial in or type: 67.217.95.2 or *inroomlink.goto.com.*
Or dial directly: 768055309@67.217.95.2 or 67.217.95.2##768055309.

Get the app now and be ready when your first meeting starts at: *https://meet.goto.com/install.*

FOR FURTHER INFORMATION CONTACT: Graciela García-Moliner, Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico 00918–1903; telephone: (787) 766–5926.

SUPPLEMENTARY INFORMATION: The following items included in the tentative agenda will be discussed:

April 9, 2024

10 a.m.–10:30 a.m.

—Call to Order
—Roll Call
—Approval of Agenda
—Approval of Minutes

10:30 a.m.–12:30 p.m.

—SEDAR 80 USVI St. Thomas Queen Triggerfish—Adyan Rios, SEFSC

Caribbean Fisheries Branch, and Kyle Shertzer, SEFSC Atlantic Fisheries Branch

12:30 p.m.–1:30 p.m.

—Lunch Break

1:30 p.m.–3 p.m.

—SEDAR 80 USVI St. Thomas Queen Triggerfish Assessment (continuation) Discussion

3 p.m.–3:15 p.m.

—Break

3:15 p.m.–5 p.m.

—SSC Recommendations

April 10, 2024

10 a.m.–12:30 p.m.

—SEDAR 80 USVI St. Croix Queen Triggerfish—Adyan Rios, SEFSC Caribbean Fisheries Branch, and Kyle Shertzer, SEFSC Atlantic Fisheries Branch

12:30 p.m.–1:30 p.m.

—Lunch Break

1:30 p.m.–3 p.m.

—SEDAR 80 USVI St. Croix Queen Triggerfish Assessment (continuation) Discussion

3 p.m.–3:15 p.m.

—Break

3:15 p.m.–5 p.m.

—SSC Recommendations
—SSC Final Recommendations to CFMC

April 11, 2024

10 a.m.–11:15 a.m.

—Eight National Scientific and Statistical Committee Workshop August 26–28 2024—SEFSC Staff

11:15 a.m.–12:15 p.m.

—Revision ACL Rainbow Runner—Sarah Stephenson, SERO

12:15 p.m.–1:15 p.m.

—SEDAR 91 Caribbean Spiny Lobster
—SSC Members Volunteers

1:15 p.m.–2 p.m.

—Other Business
—IRA proposals Update
—SERO and SEFSC Updates
—Next Meeting
—Adjourn

The order of business may be adjusted as necessary to accommodate the completion of agenda items. The meeting will begin on April 9, 2024, at 10 a.m. AST, and will end on April 11, 2024, at 2 p.m., AST.

Other than the start time, interested parties should be aware that discussions may start earlier or later than indicated at the discretion of the Chair. In addition, the meeting may be completed prior to the date established in this notice.

Special Accommodations

For any additional information on this public virtual meeting, please contact Dr. Graciela García-Moliner, Caribbean Fishery Management Council, 270 Muñoz Rivera Avenue, Suite 401, San Juan, Puerto Rico, 00918–1903, telephone: (787) 403–8337.

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

Dated: March 18, 2024.

Rey Israel Marquez,

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

[FR Doc. 2024–06007 Filed 3–20–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XD809]

South Atlantic Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold a meeting via webinar of its Snapper Grouper Recreational Permitting and Reporting Technical Advisory Panel (AP) to discuss permitting and education alternatives for the private recreational component of the snapper grouper fishery.

DATES: The AP meeting will be held from 1:30 p.m. until 4:30 p.m., EST on Tuesday, April 9, 2024.

ADDRESSES:

Meeting address: The meeting will be held via webinar. Webinar registration is required. Details are included in the **SUPPLEMENTARY INFORMATION**.

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

SUPPLEMENTARY INFORMATION: Meeting information, including the webinar registration link, online public comment form, agenda, and briefing book materials will be posted on the Council's website at: *https://safmc.net/advisory-panel-meetings/.* Comments become part of the Administrative Record of the meeting and will automatically be posted to the website and available for Council consideration.

During the meeting, the AP will review guidance from the March 2024 Council meeting, further address a series of permit and education topics posed by the Council, and provide feedback on potential benefits of a permit.

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

Special Accommodations

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

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

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

Dated: March 18, 2024.

Rey Israel Marquez,

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

[FR Doc. 2024–06009 Filed 3–20–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XD792]

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

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

ACTION: Notice of SEDAR 92 Atlantic Blueline Tilefish Landings Stream Topical Working Group (LS–TWG) Data Scoping Webinar.

SUMMARY: The SEDAR 92 assessment of the Atlantic stock of blueline tilefish will consist of a series of assessment webinars. A SEDAR 92 Data Scoping Webinar is scheduled for April 8, 2024. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 92 Atlantic Blueline Tilefish LS–TWG Data Scoping Webinar is scheduled for April 8, 2024, from 10 a.m. until 12 p.m., eastern. The established times may be adjusted as necessary to accommodate the timely completion of discussion relevant to the assessment process. Such adjustments may result in the meeting being extended from or completed prior to the time established by this notice.

ADDRESSES:

Meeting address: The meeting will be held via webinar. The webinar is open to members of the public. Registration for the webinar is available by contacting the SEDAR coordinator via email at *Julie.Neer@safmc.net.*

SEDAR address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405; *www.sedarweb.org.*

FOR FURTHER INFORMATION CONTACT: Julie Neer, SEDAR Coordinator, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; phone: (843) 571–4366; email: *Julie.Neer@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions, have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a three-step process including: (1) Data Workshop; (2) Assessment Process utilizing webinars; and (3) Review Workshop. The product of the Data Workshop is a data report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment Process is a stock assessment report which describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants include: data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGOs); international experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion during the scoping webinar are as follows: Discuss available data sources, points of contact, data delivery deadlines, and any known data issues.

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

Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary aids should contact the South Atlantic Fishery Management Council office (see **ADDRESSES**) at least 10 business days prior to the meeting.

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

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

Dated: March 18, 2024.

Rey Israel Marquez,

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

[FR Doc. 2024–06008 Filed 3–20–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XD583]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Transco Lower New York Bay Lateral (LNYBL) Natural Gas Pipeline Maintenance in Sandy Hook Channel, NJ

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

ACTION: Notice; issuance of an incidental harassment authorization.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to Transcontinental Gas Pipe Line Company LLC (Transco), to incidentally harass marine mammals during construction activities associated with a natural gas pipeline stabilization project in Sandy Hook Channel, New Jersey (NJ).

DATES: This authorization is effective from June 15, 2024, through June 14, 2025.

ADDRESSES: Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities.* In case of problems accessing these documents, please call the contact listed below.

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

SUPPLEMENTARY INFORMATION:

Background

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

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other ''means of effecting the least practicable adverse impact'' on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stocks for taking for certain subsistence uses (referred to in shorthand as ''mitigation''); and requirements

pertaining to the mitigation, monitoring and reporting of the takings are set forth. The definitions of all applicable MMPA statutory terms cited above are included in the relevant sections below.

Summary of Request

On April 28, 2023, NMFS received a request from Transco for an IHA to take marine mammals incidental to pile driving activities associated with the LNYBL maintenance project in Sandy Hook Channel, NJ. On September 1, 2023 Transco submitted updates to the planned daily duration of pile driving and on October 27, 2023, Transco notified NMFS of changes to project timing. Following NMFS' review of the application, discussions between NMFS and Transco, and reanalysis following the aforementioned project changes, the application was deemed adequate and complete on November 2, 2023. Transco's request is for take of 11 species of marine mammal, by Level B harassment and, for a subset of 3 of these species, Level A harassment. Neither Transco nor NMFS expect serious injury or mortality to result from this activity and, therefore, an IHA is appropriate. There are no changes from the proposed IHA to the final IHA.

Description of the Specified Activity

Overview

Transco plans to stabilize the LNYBL natural gas pipeline that extends 34 miles (mi) [55 kilometers (km)] in Raritan Bay, Lower New York Bay, and the Atlantic Ocean from Morgan, NJ to Long Beach, New York (NY). During routine monitoring of the existing LNYBL, Transco identified seven discrete sections of the gas pipeline with either limited cover or exposure resulting from dynamic conditions. The LNYBL maintenance project involves the maintenance of pipeline sections with seven corresponding ''work areas'' that encompass all in-water temporary work spaces within NY and NJ where project-related activities may cause sediment disturbance. To stabilize the pipeline, Transco will place rock over the pipeline at seven distinct work areas. At Work Area 3, near Sandy Hook Channel, NJ, Transco plans to install 960 sheet piles to provide additional stability and protection, and to mitigate future seabed lowering and erosion along the north flank of Sandy Hook Channel. Activities included as part of the project with potential to affect marine mammals include vibratory and impact pile driving of steel sheet piles at Work Area 3. The pile driving activities are expected to occur on 80 days between June and September 2024. Other in-water work described above will not cause take of marine mammals.

A detailed description of the planned construction project is provided in the **Federal Register** notice for the proposed IHA (88 FR 84789, December 6, 2023). Since that time, no changes have been made to the planned activities. Therefore, a detailed description is not provided here. Please refer to that **Federal Register** notice for the description of the specific activity.

Comments and Responses

A notice of NMFS' proposal to issue an IHA to Transco was published in the **Federal Register** on December 6, 2023 (88 FR 84789). That notice described, in detail, Transco's activities, the marine mammal species that may be affected by the activities, and the anticipated effects on marine mammals. In that notice, we requested public input on the request for authorization described therein, our analyses, the proposed authorization, and any other aspect of the notice of proposed IHA, and requested that interested persons submit relevant information, suggestions, and comments. This proposed notice was available for a 30-day public comment period. During the 30-day public comment period, the United States Geological Survey noted that they have ''no comment at this time.'' NMFS received no other public comments.

Description of Marine Mammals in the Area of Specified Activities

Sections 3 and 4 of the application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history of the potentially affected species. NMFS fully considered all of this information, and we refer the reader to these descriptions, instead of reprinting the information. Additional information regarding population trends and threats may be found in NMFS' Stock Assessment Reports (SARs; *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments*) and more general information about these species (*e.g.,* physical and behavioral descriptions) may be found on NMFS' website (*https://www.fisheries.noaa.gov/find-species).*

Table 1 lists all species or stocks for which take is expected and authorized for this activity, and summarizes information related to the population or stock, including regulatory status under the MMPA and Endangered Species Act (ESA) and potential biological removal (PBR), where known. PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS' SARs). While no serious injury or mortality is anticipated or authorized here, PBR and annual serious injury and mortality from anthropogenic sources are included here as gross indicators of the status of the species or stocks and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS' stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS' U.S. Atlantic and Gulf of Mexico SARs (Hayes *et al.,* 2022; Hayes *et al.,* 2023). All values presented in table 1 are available online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments.*

TABLE 1—SPECIES LIKELY IMPACTED BY THE SPECIFIED ACTIVITIES

Common name	Scientific name	Stock	ESA/MMPA status; strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	PBR	Annual M/SI [3]
Order Artiodactyla—Infraorder Cetacea—Mysticeti (baleen whales)						
Family Balaenopteridae (rorquals):						
Fin Whale	*Balaenoptera physalus*	Western N Atlantic	E, D, Y	6,802 (0.24, 5,573, 2016)	11	1.8
Humpback Whale	*Megaptera novaeangliae*	Gulf of Maine	-, -, N	1,396	22	12.15

TABLE 1—SPECIES LIKELY IMPACTED BY THE SPECIFIED ACTIVITIES—Continued

Common name	Scientific name	Stock	ESA/ MMPA status; strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	PBR	Annual M/SI [3]
Minke Whale	*Balaenoptera acutorostrata*	Canadian Eastern Coastal	-, -, N	21,968 (0.31, 17,002, 2016)	170	10.6
Odontoceti (toothed whales, dolphins, and porpoises)						
Family Delphinidae:						
Atlantic White-sided Dolphin	*Lagenorhynchus acutus*	Western N Atlantic	-, -, N	93,233 (0.71, 54,443, 2016)	544	27
Bottlenose Dolphin	*Tursiops truncatus*	Northern Migratory Coastal	-, -, Y	6,639, (0.41, 4,759, 2016)	48	12.2–21.5
		Western North Atlantic Offshore.	-, -, N	62,851 (0.23, 51,914, 2016)	519	28
Common Dolphin	*Delphinus delphis*	Western N Atlantic	-, -, N	172,974 (0.21, 145,216, 2016)	1,452	390
Atlantic Spotted Dolphin	*Stenella frontalis*	Western N Atlantic	-, -, N	39,921 (0.27, 32,032, 2016)	320	0
Family Phocoenidae (porpoises):						
Harbor Porpoise	*Phocoena phocoena*	Gulf of Maine/Bay of Fundy	-, -, N	95,543 (0.31, 74,034, 2016)	851	164
Order Carnivora—Pinnipedia						
Family Phocidae (earless seals):						
Harp Seal	*Pagophilus groenlandicus*	Western N Atlantic	-, -, N	7.6M (UNK, 7.1M, 2019)	426,000	178,573
Harbor Seal	*Phoca vitulina*	Western N Atlantic	-, -, N	61,336 (0.08, 57,637, 2018)	1,729	339
Gray Seal [4]	*Halichoerus grypus*	Western N Atlantic	-, -, N	27,300 (0.22, 22,785, 2016)	1,458	4,453

[1] Endangered Species Act (ESA) status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

[2] NMFS marine mammal stock assessment reports online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports.* CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance.

[3] These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (*e.g.,* commercial fisheries, vessel strike). Annual Mortality and Serious Injury (M/SI) often cannot be determined precisely and is in some cases presented as a minimum value or range.

[4] This stock abundance estimate is only for the U.S. portion of this stock. The actual stock abundance, including the Canadian portion of the population, is estimated to be approximately 424,300 animals. The PBR value listed here is only for the U.S. portion of the stock, while M/SI reflects both the Canadian and U.S. portions.

A detailed description of the species likely to be affected by the Transco LNYBL Maintenance project, including brief introductions to the species and relevant stocks as well as available information regarding population trends and threats, and information regarding local occurrence, were provided in the **Federal Register** notice for the proposed IHA (88 FR 84789, December 6, 2023); since that time, we are not aware of any changes in the status of these species and stocks; therefore, detailed descriptions are not provided here. Please refer to that **Federal Register** notice for these descriptions. Please also refer to NMFS' website (*https://www.fisheries.noaa.gov/find-species*) for generalized species accounts.

Marine Mammal Hearing

Hearing is the most important sensory modality for marine mammals underwater, and exposure to anthropogenic sound can have deleterious effects. To appropriately assess the potential effects of exposure to sound, it is necessary to understand the frequency ranges marine mammals are able to hear. Not all marine mammal species have equal hearing capabilities (*e.g.,* Richardson *et al.,* 1995; Wartzok and Ketten, 1999; Au and Hastings, 2008). To reflect this, Southall *et al.,* (2007, 2019) recommended that marine mammals be divided into hearing groups based on directly measured (behavioral or auditory evoked potential techniques) or estimated hearing ranges (behavioral response data, anatomical modeling, *etc.*). Note that no direct measurements of hearing ability have been successfully completed for mysticetes (*i.e.,* low-frequency cetaceans). Subsequently, NMFS (2018) described generalized hearing ranges for these marine mammal hearing groups. Generalized hearing ranges were chosen based on the approximately 65 decibel (dB) threshold from the normalized composite audiograms, with the exception for lower limits for low-frequency cetaceans where the lower bound was deemed to be biologically implausible and the lower bound from Southall *et al.,* (2007) retained. Marine mammal hearing groups and their associated hearing ranges are provided in table 2.

TABLE 2—MARINE MAMMAL HEARING GROUPS
[NMFS, 2018]

Hearing group	Generalized hearing range *
Low-frequency (LF) cetaceans (baleen whales)	7 Hz to 35 kHz.
Mid-frequency (MF) cetaceans (dolphins, toothed whales, beaked whales, bottlenose whales)	150 Hz to 160 kHz.
High-frequency (HF) cetaceans (true porpoises, *Kogia,* river dolphins, Cephalorhynchid, *Lagenorhynchus cruciger* & *L. australis*).	275 Hz to 160 kHz.
Phocid pinnipeds (PW) (underwater) (true seals)	50 Hz to 86 kHz.

TABLE 2—MARINE MAMMAL HEARING GROUPS—Continued
[NMFS, 2018]

Hearing group	Generalized hearing range *
Otariid pinnipeds (OW) (underwater) (sea lions and fur seals)	60 Hz to 39 kHz.

* Represents the generalized hearing range for the entire group as a composite (*i.e.,* all species within the group), where individual species' hearing ranges are typically not as broad. Generalized hearing range chosen based on ~65 dB threshold from normalized composite audiogram, with the exception for lower limits for LF cetaceans (Southall *et al.,* 2007) and PW pinniped (approximation).

The pinniped functional hearing group was modified from Southall *et al.,* (2007) on the basis of data indicating that phocid species have consistently demonstrated an extended frequency range of hearing compared to otariids, especially in the higher frequency range (Hemilä *et al.,* 2006; Kastelein *et al.,* 2009; Reichmuth *et al.,* 2013).

For more detail concerning these groups and associated frequency ranges, please see NMFS (2018) for a review of available information.

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

The effects of underwater noise from Transco's construction activities have the potential to result in behavioral harassment of marine mammals in the vicinity of the project area. The notice of the proposed IHA (88 FR 84789, December 6, 2023) included a discussion of the effects of anthropogenic noise on marine mammals and the potential effects of underwater noise from Transco's construction on marine mammals and their habitat. That information and analysis is incorporated by reference into this final IHA determination and is not repeated here; please refer to the notice of proposed IHA (88 FR 84789, December 6, 2023).

Estimated Take of Marine Mammals

This section provides an estimate of the number of incidental takes authorized through the IHA, which will inform both NMFS' consideration of ''small numbers,'' and the negligible impact determinations.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines ''harassment'' as any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes will be by Level B harassment, as use of the acoustic sources (*i.e.,* impact and vibratory pile driving) has the potential to result in disruption of behavioral patterns for individual marine mammals. There is also some potential for auditory injury (Level A harassment) to result for phocids because predicted auditory injury zones are relatively large, and seals are expected to be relatively common and are more difficult to detect at greater distances. The planned mitigation and monitoring measures are expected to minimize the severity of the taking to the extent practicable.

As described previously, no serious injury or mortality is anticipated or authorized for this activity. Below we describe how the authorized take numbers are estimated.

For acoustic impacts, generally speaking, we estimate take by considering: (1) acoustic thresholds above which NMFS believes the best available science indicates marine mammals will be behaviorally harassed or incur some degree of permanent hearing impairment; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and, (4) the number of days of activities. We note that while these factors can contribute to a basic calculation to provide an initial prediction of potential takes, additional information that can qualitatively inform take estimates is also sometimes available (*e.g.,* previous monitoring results or average group size). Below, we describe the factors considered here in more detail and present the take estimates.

Acoustic Thresholds

NMFS recommends the use of acoustic thresholds that identify the received level of underwater sound above which exposed marine mammals are reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur Permanent Threshold Shift (PTS) of some degree (equated to Level A harassment).

Level B Harassment—Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source or exposure context (*e.g.,* frequency, predictability, duty cycle, duration of the exposure, signal-to-noise ratio, distance to the source), the environment (*e.g.,* bathymetry, other noises in the area, predators in the area), and the receiving animals (hearing, motivation, experience, demography, life stage, depth) and can be difficult to predict (*e.g.,* Southall *et al.,* 2007, 2021, Ellison *et al.,* 2012). Based on what the available science indicates and the practical need to use a threshold based on a metric that is both predictable and measurable for most activities, NMFS typically uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS generally predicts that marine mammals are likely to be behaviorally harassed in a manner considered to be Level B harassment when exposed to underwater anthropogenic noise above root-mean-squared pressure received levels (RMS SPL) of 120 dB (referenced to 1 micropascal (re 1 µPa)) for continuous (*e.g.,* vibratory pile driving, drilling) and above RMS SPL 160 dB re 1 µPa for non-explosive impulsive (*e.g.,* seismic airguns) or intermittent (*e.g.,* scientific sonar) sources. Generally speaking, Level B harassment take estimates based on these behavioral harassment thresholds are expected to include any likely takes by Temporary Threshold Shift (TTS) as, in most cases, the likelihood of TTS occurs at distances from the source less than those at which behavioral harassment is likely. TTS of a sufficient degree can manifest as behavioral harassment, as reduced hearing sensitivity and the potential reduced opportunities to detect important signals (conspecific communication, predators, prey) may result in changes in behavior patterns that would not otherwise occur.

Transco's planned activity includes the use of continuous (vibratory pile driving) and impulsive (impact pile driving) sources, and therefore the RMS SPL thresholds of 120 and 160 dB re 1 µPa is/are applicable.

Level A Harassment—NMFS' Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 2.0) (Technical Guidance, 2018) identifies dual criteria to assess auditory injury (Level A harassment) to five different marine mammal groups (based on hearing sensitivity) as a result of exposure to noise from two different types of sources (impulsive or non-impulsive). Transco's planned activity includes the use of impulsive (impact pile driving) and non-impulsive (vibratory pile driving) sources.

These thresholds are provided in the table below. The references, analysis, and methodology used in the development of the thresholds are described in NMFS' 2018 Technical Guidance, which may be accessed at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance*.

TABLE 3—THRESHOLDS IDENTIFYING THE ONSET OF PERMANENT THRESHOLD SHIFT

Hearing group	PTS onset acoustic thresholds * (received level)	
	Impulsive	Non-impulsive
Low-Frequency (LF) Cetaceans	*Cell 1:* $L_{pk,flat}$: 219 dB; $L_{E,LF,24h}$: 183 dB	*Cell 2:* $L_{E,LF,24h}$: 199 dB.
Mid-Frequency (MF) Cetaceans	*Cell 3:* $L_{pk,flat}$: 230 dB; $L_{E,MF,24h}$: 185 dB	*Cell 4:* $L_{E,MF,24h}$: 198 dB.
High-Frequency (HF) Cetaceans	*Cell 5:* $L_{pk,flat}$: 202 dB; $L_{E,HF,24h}$: 155 dB	*Cell 6:* $L_{E,HF,24h}$: 173 dB.
Phocid Pinnipeds (PW) (Underwater)	*Cell 7:* $L_{pk,flat}$: 218 dB; $L_{E,PW,24h}$: 185 dB	*Cell 8:* $L_{E,PW,24h}$: 201 dB.
Otariid Pinnipeds (OW) (Underwater)	*Cell 9:* $L_{pk,flat}$: 232 dB; $L_{E,OW,24h}$: 203 dB	*Cell 10:* $L_{E,OW,24h}$: 219 dB.

* Dual metric acoustic thresholds for impulsive sounds: Use whichever results in the largest isopleth for calculating PTS onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level thresholds associated with impulsive sounds, these thresholds should also be considered.

Note: Peak sound pressure (L_{pk}) has a reference value of 1 µPa, and cumulative sound exposure level (L_E) has a reference value of 1µPa^{2}s. In this Table, thresholds are abbreviated to reflect American National Standards Institute standards (ANSI 2013). However, peak sound pressure is defined by ANSI as incorporating frequency weighting, which is not the intent for this Technical Guidance. Hence, the subscript "flat" is being included to indicate peak sound pressure should be flat weighted or unweighted within the generalized hearing range. The subscript associated with cumulative sound exposure level thresholds indicates the designated marine mammal auditory weighting function (LF, MF, and HF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The cumulative sound exposure level thresholds could be exceeded in a multitude of ways (*i.e.,* varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these acoustic thresholds will be exceeded.

Ensonified Area

Here, we describe operational and environmental parameters of the activity that are used in estimating the area ensonified above the acoustic thresholds, including source levels and transmission loss coefficient.

The sound field in the project area is the existing background noise plus additional construction noise from the planned project. Marine mammals are expected to be affected via sound generated by the primary components of the project (*i.e.,* pile driving).

The project includes vibratory and impact pile driving. Source levels for these activities are based on reviews of measurements of the same or similar types and dimensions of piles available in the literature. Source levels for each pile size and activity are presented in table 4. Source levels for vibratory installation and removal of piles of the same diameter are assumed to be the same.

TABLE 4—ESTIMATES OF MEAN UNDERWATER SOUND LEVELS GENERATED DURING VIBRATORY AND IMPACT PILE INSTALLATION OF 36-INCH STEEL SHEET PILE

Hammer type	dB rms	dB SEL	dB peak	Literature source
Vibratory *	**182	N/A	N/A	Quijano *et al.,* 2018.
Impact *	190	180	205	Caltrans, 2015.

Note: dB peak = peak sound level; rms = root mean square; SEL = sound exposure level.

* Vibratory source levels are referenced at 1 m and the impact source levels are referenced at 10 m.

** Since vibratory pile installation is a continuous, non-impulsive source, it was assumed that the dB rms source levels are the same as the dB SEL source level reported in Quijano *et al.* (2018).

Transmission loss (*TL*) is the decrease in acoustic intensity as an acoustic pressure wave propagates out from a source. *TL* parameters vary with frequency, temperature, sea conditions, current, source and receiver depth, water depth, water chemistry, and bottom composition and topography. The general formula for underwater *TL* is:

$TL = B * \text{Log10}\ (R1/R2)$, where

TL = transmission loss in dB
B = transmission loss coefficient
*R*1 = the distance of the modeled SPL from the driven pile, and
*R*2 = the distance from the driven pile of the initial measurement

Absent site-specific acoustical monitoring with differing measured transmission loss, a practical spreading value of 15 is used as the transmission loss coefficient in the above formula. Site-specific transmission loss data for the Raritan Bay is not available; therefore, the default coefficient of 15 is used to determine the distances to the harassment thresholds.

The ensonified area associated with Level A harassment is more technically challenging to predict due to the need to account for a duration component. Therefore, NMFS developed an optional User Spreadsheet tool to accompany the Technical Guidance that can be used to relatively simply predict an isopleth distance for use in conjunction with marine mammal density or occurrence to help predict potential takes. We note that because of some of the assumptions included in the methods underlying this optional tool, we anticipate that the resulting isopleth estimates are typically going to be overestimates of some degree, which may result in an overestimate of potential take by Level A harassment. However, this optional tool offers the best way to estimate isopleth distances when more sophisticated modeling methods are not available or practical. For stationary sources such as pile driving, the optional User Spreadsheet tool predicts the distance at which, if a marine mammal remained at that distance for the duration of the activity, it will be expected to incur PTS. Inputs used in the optional User Spreadsheet tool, and

the resulting estimated isopleths, are reported below (table 5). The resulting estimated isopleths and the calculated Level B harassment isopleths are reported in table 6.

TABLE 5—USER SPREADSHEET INPUTS

Spreadsheet tab used	A.1) Vibratory pile driving	E.1) Impact pile driving
Source level (SPL)	182 RMS	180 SEL
36-inch steel sheet piles		
Transmission Loss Coefficient	15	15
Weighting Factor Adjustment (kHz)	2.5	2
Activity Duration per pile (minutes)	10	N/A
Number of strikes per pile	.....	520
Number of piles per day	12	12
Distance of sound pressure level measurement	1	10

TABLE 6—LEVEL A HARASSMENT AND LEVEL B HARASSMENT ISOPLETHS

Hammer type	Level A harassment isopleths (m) | area of harassment zone (km^2) *				Level B harassment isopleth (m) | area of harassment zone (km^2) *
	LF	MF	HF	PW	
36-inch Steel Sheet Piles					
Vibratory Pile Driving	27.2	2.4	40.3	16.6	13,594 | 426.13
Impact Pile Driving	2,135.6 | 18.99	76.0 | 0.30	2,543.9 | 25.23	1,142.9 | 7.72	1,000

* Harassment zone areas are clipped by viewshed.

Marine Mammal Occurrence

In this section we provide information about the occurrence of marine mammals, including density or other relevant information which will inform the take calculations.

Transco applied the Duke University Marine Geospatial Ecology Laboratory marine mammal habitat-based density models (*https://seamap.env.duke.edu/models/Duke/EC/*) to estimate take from vibratory and impact pile driving (Roberts *et al.,* 2016; Roberts *et al.,* 2023). These density data incorporate aerial and shipboard line-transect data from NMFS and other organizations and incorporate data from 8 physiographic and 16 dynamic oceanographic and biological covariates, and control for the influence of sea state, group size, availability bias, and perception bias on the probability of making a sighting. These density models were originally developed for all cetacean taxa in the U.S. Atlantic (Roberts *et al.,* 2016). Most recently, all models were updated in 2022 based on additional data as well as certain methodological improvements. More information is available online at *https://seamap.env.duke.edu/models/Duke/EC/.* Marine mammal density estimates in the project area (animals/km^2) were obtained using the most recent model results for all taxa (Roberts *et al.,* 2023).

For each species, the average monthly density (June–September) near work area 3, Sandy Hook Channel, was calculated (table 7). Specifically, in a Geographic Information Systems, density rasters were clipped to polygons representing the zone of influence for Level A harassment zones for each hearing group and the largest Level B harassment zone, which applies to all hearing groups. Densities in Roberts *et al.,* (2023) are provided in individuals per 100 square km, however they were converted to individuals per square km for ease of calculation. The monthly maximum density of individuals per square km for each zone of influence was averaged over the months of June to September near work area 3 to provide a single density estimate for each species or species group. The available density information provides densities for seals as a guild due to difficulty in distinguishing these species at sea. Similarly, density information for bottlenose dolphins does not differentiate between stocks. The resulting density values (table 7) were used to calculate take estimates of marine mammals for sheet pile installation activities. Note that other data sources were evaluated for pinnipeds (*e.g.,* Save Coastal Wildlife reports) but were found unsuitable due to data quality and applicability.

TABLE 7—AVERAGE MONTHLY DENSITY OF SPECIES IN THE PROJECT AREA

[June–September]

Species	Average monthly density (individual/km^2) used in Level B take calculations at work area 3, Sandy Hook Channel (June–September)	Average monthly density (individual/km^2) used in Level A take calculations at work area 3, Sandy Hook Channel (June–September)
Fin Whale	1.41361E–04	4.53952E–06

TABLE 7—AVERAGE MONTHLY DENSITY OF SPECIES IN THE PROJECT AREA—Continued

[June–September]

Species	Average monthly density (individual/km²) used in Level B take calculations at work area 3, Sandy Hook Channel (June–September)	Average monthly density (individual/km²) used in Level A take calculations at work area 3, Sandy Hook Channel (June–September)
Humpback Whale	9.37889E–05	2.14387E–05
Minke Whale	2.34113E–04	3.12779E–05
Atlantic white-sided dolphin	4.97340E–05	6.98975E–07
Bottlenose dolphin	1.88295E–01	4.76450E–02
Harbor porpoise	1.64816E–04	3.27277E–05
Common dolphin	5.91282E–04	1.24663E–05
Atlantic Spotted Dolphin	2.38665E–04	8.76649E–07
Harp Seals, Gray Seals, Harbor Seals	0.11387	0.11130

Take Estimation

Here we describe how the information provided above is synthesized to produce a quantitative estimate of the take that is reasonably likely to occur and authorized.

Take estimates are the product of density, ensonified area, and number of days of pile driving work. Specifically, take estimates are calculated by multiplying the expected densities of marine mammals in the activity area(s) by the area of water likely to be ensonified above the NMFS defined threshold levels in a single day (24-hour period). Transco used the construction method that produced the largest isopleth to estimate exposure of marine mammal noise impacts (*i.e.,* the largest ensonified area estimated for vibratory pile driving was used to estimate potential takes by Level B harassment, and the hearing group-specific ensonified areas estimated for impact pile driving were used to estimate potential Level A harassment). Next, that product is multiplied by the number of days vibratory or impact pile driving is likely to occur. The exposure estimate was rounded to the nearest whole number at the end of the calculation. A summary of this method is illustrated in the following formula:

$$Estimated\ Take = D \times ZOI \times \#\ of\ construction\ days$$

Where:

D = density estimate for each species within the ZOI

ZOI = maximum daily ensonified area (km²) to relevant thresholds

For bottlenose dolphins, the density data presented by Roberts *et al.,* (2023) does not differentiate between bottlenose dolphin stocks. Thus, the take estimate for bottlenose dolphins calculated by the method described above resulted in an estimate of the total number of bottlenose dolphins expected to be taken, from all stocks (for a total of 6,419 takes by Level B harassment). However, as described above, both the Western North Atlantic Northern Migratory Coastal stock and the Western North Atlantic Offshore stock have the potential to occur in the project area. Because approximately 95 percent of the project area occurs in waters shallower than 20 m, we assign take to stock accordingly. Thus, we assume that 95 percent of the total authorized bottlenose dolphin takes will accrue to the Western North Atlantic Offshore stock (total 6,098 takes by Level B harassment), and 5 percent to the Western North Atlantic Northern Migratory Coastal stock (total 321 takes by Level B harassment) (table 8).

Additional data regarding average group sizes from survey effort in the region was considered to ensure adequate take estimates are evaluated. Take estimates for several species were adjusted based upon average groups sizes derived from NOAA Atlantic Marine Assessment Program for Protected Species data from 2010–2019 shipboard distance sampling surveys (Palka *et al.,* 2021). This is particularly true for uncommon or rare species with very low densities in the models. These calculated take estimates were adjusted for these species as follows:

- *Atlantic white-sided dolphin:* Only 1 take by Level B harassment was estimated but takes authorized were increased to the average number of dolphins in a group reported in Palka *et al.,* 2021 (n = 12);
- *Common dolphin:* Only 26 takes were estimated but authorized takes were increased to the average number of dolphins in a group reported in Palka *et al.,* 2021 (n = 30);
- *Atlantic spotted dolphin:* Only 9 takes were estimated but authorized takes were increased to the average number of dolphins in a group reported in Palka *et al.,* 2021 (n = 24);

TABLE 8—AUTHORIZED TAKE BY STOCK AND HARASSMENT TYPE AND AS A PERCENTAGE OF STOCK ABUNDANCE

Species	Stock	Authorized take		Take as a percentage of stock abundance
		Level B harassment	Level A harassment	
Fin Whale	Western North Atlantic	5	0	<1
Humpback Whale	Gulf of Maine	3	0	<1
Minke Whale	Canadian East Coast	8	0	<1
Atlantic White-sided Dolphin	Western North Atlantic	12	0	<1
Bottlenose Dolphin	Northern Migratory Coastal	6,098	0	92
	Western North Atlantic Offshore	321	0	<1
Harbor Porpoise	Gulf of Maine/Bay of Fundy	6	0	<1
Common Dolphin	Western North Atlantic	30	0	<1
Atlantic Spotted Dolphin	Western North Atlantic	24	0	<1
Harbor Seal	Western North Atlantic	3,813	69	6.3
Gray Seal	Western North Atlantic			<1

TABLE 8—AUTHORIZED TAKE BY STOCK AND HARASSMENT TYPE AND AS A PERCENTAGE OF STOCK ABUNDANCE—Continued

Species	Stock	Authorized take		Take as a percentage of stock abundance
		Level B harassment	Level A harassment	
Harp Seal	Western North Atlantic			<1

Mitigation

In order to issue an IHA under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to the activity, and other means of effecting the least practicable impact on the species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stock for taking for certain subsistence uses (latter not applicable for this action). NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting the activity or other means of effecting the least practicable adverse impact upon the affected species or stocks, and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, NMFS considers two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned), the likelihood of effective implementation (probability implemented as planned), and;

(2) The practicability of the measures for applicant implementation, which may consider such things as cost, and impact on operations.

Transco has indicated that pile driving will be conducted between June 15 and September 15, a time of year when North Atlantic Right Whales are unlikely to occur near the project area. Transco will implement the following mitigation requirements:

Shutdown Zones—For all pile driving activities, Transco will implement shutdowns within designated zones. The purpose of a shutdown zone is generally to define an area within which shutdown of the activity will occur upon sighting of a marine mammal (or in anticipation of an animal entering the defined area). Shutdown zones vary based on the activity type and marine mammal hearing group (table 9). In most cases, the shutdown zones are based on the estimated Level A harassment isopleth distances for each hearing group. However, in cases where it will be challenging to detect marine mammals at the Level A harassment isopleth and frequent shutdowns are expected to create practicability concerns (*e.g.,* for phocids during impact pile driving), smaller shutdown zones have been established (table 9). Additionally, Transco has agreed to implement a minimum shutdown zone of 60 m during all pile driving activities.

Finally, construction supervisors and crews, Protected Species Observers (PSOs), and relevant Transco staff must avoid direct physical interaction with marine mammals during construction activity. If a marine mammal comes within 10 m of such activity, operations must cease and vessels must reduce speed to the minimum level required to maintain steerage and safe working conditions, as necessary to avoid direct physical interaction. If an activity is delayed or halted due to the presence of a marine mammal, the activity may not commence or resume until either the animal has voluntarily exited and been visually confirmed beyond the shutdown zone indicated in table 9 or 15 minutes have passed without re-detection of the animal.

Construction activities must be halted upon observation of a species for which incidental take is not authorized or a species for which incidental take has been authorized but the authorized number of takes has been met entering or within the harassment zone. In the case of North Atlantic right whale, construction activities must be halted upon observation of this species at any distance, regardless of its proximity to a harassment zone.

TABLE 9—SHUTDOWN ZONES

Activity	Pile type	Shutdown zones (m)				
		North Atlantic right whale	Low frequency	Mid-frequency	High frequency	Phocid
Vibratory Installation	36-inch sheet	Any distance	60			
Impact Installation			1,000	80	200	150

Protected Species Observers—The number and placement of PSOs during all construction activities (described in the Monitoring and Reporting section) will ensure that the entire shutdown zone is visible. Transco will employ at least two PSOs for all pile driving activities.

Monitoring for Level A and Level B harassment—PSOs will monitor the shutdown zones and beyond to the extent that PSOs can see. Monitoring beyond the shutdown zones enables observers to be aware of and communicate the presence of marine mammals in the project areas outside the shutdown zones and thus prepare for a potential cessation of activity should the animal enter the shutdown zone. If a marine mammal enters either

harassment zone, PSOs will document the marine mammal's presence and behavior.

Pre-Activity Monitoring—Prior to the start of daily in-water construction activity, or whenever a break in pile driving of 30 minutes or longer occurs, PSOs will observe the shutdown, Level A harassment, and Level B harassment zones for a period of 30 minutes. Pre-start clearance monitoring must be conducted during periods of visibility sufficient for the lead PSO to determine that the shutdown zones are clear of marine mammals. If the shutdown zone is obscured by fog or poor lighting conditions, in-water construction activity will not be initiated until the entire shutdown zone is visible. Pile driving may commence following 30 minutes of observation when the determination is made that the shutdown zones are clear of marine mammals. If a marine mammal is observed entering or within shutdown zones, pile driving activity must be delayed or halted. If pile driving is delayed or halted due to the presence of a marine mammal, the activity may not commence or resume until either the animal has voluntarily exited and been visually confirmed beyond the shutdown zone or 15 minutes have passed without re-detection of the animal. If a marine mammal for which Level B harassment take is authorized is present in the Level B harassment zone, activities may begin.

Soft-Start—The use of soft-start procedures are believed to provide additional protection to marine mammals by providing warning and/or giving marine mammals a chance to leave the area prior to the hammer operating at full capacity. For impact pile driving, contractors are be required to provide an initial set of three strikes from the hammer at reduced energy, with each strike followed by a 30-second waiting period. This procedure will be conducted a total of three times before impact pile driving begins. Soft start will be implemented at the start of each day's impact pile driving and at any time following cessation of impact pile driving for a period of 30 minutes or longer. Soft start is not required during vibratory pile driving activities.

Based on our evaluation of the applicant's planned measures, as well as other measures considered by NMFS, NMFS has determined that the listed mitigation measures provide the means of effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Monitoring and Reporting

In order to issue an IHA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present while conducting the activities. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.,* presence, abundance, distribution, density);
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) action or environment (*e.g.,* source characterization, propagation, ambient noise); (2) affected species (*e.g.,* life history, dive patterns); (3) co-occurrence of marine mammal species with the activity; or (4) biological or behavioral context of exposure (*e.g.,* age, calving or feeding areas);
- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors;
- How anticipated responses to stressors impact either: (1) long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;
- Effects on marine mammal habitat (*e.g.,* marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and,
- Mitigation and monitoring effectiveness.

Visual Monitoring—Marine mammal monitoring during pile driving activities must be conducted by NMFS-approved PSOs in a manner consistent with the following:

- PSOs must be independent of the activity contractor (for example, employed by a subcontractor), and have no other assigned tasks during monitoring periods;
- At least one PSO must have prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued incidental take authorization;
- Other PSOs may substitute other relevant experience, education (degree in biological science or related field) or training for experience performing the duties of a PSO during construction activities pursuant to a NMFS-issued incidental take authorization;
- Where a team of three or more PSOs is required, a lead observer or monitoring coordinator will be designated. The lead observer will be required to have prior experience working as a marine mammal observer during construction activity pursuant to a NMFS-issued incidental take authorization; and,
- PSOs must be approved by NMFS prior to beginning any activity subject to this IHA.

PSOs should also have the following additional qualifications:

- Ability to conduct field observations and collect data according to assigned protocols;
- Experience or training in the field identification of marine mammals, including identification of behaviors;
- Sufficient training, orientation, or experience with the construction operation to provide for personal safety during observations;
- Writing skills sufficient to prepare a report of observations including, but not limited to, the number and species of marine mammals observed; dates and times when in-water construction activities were conducted; dates, times, and reason for implementation of mitigation (or why mitigation was not implemented when required); and marine mammal behavior; and,
- Ability to communicate orally, by radio or in person, with project personnel to provide real-time information on marine mammals observed in the area as necessary.

Visual monitoring will be conducted by a minimum of two trained PSOs positioned at suitable vantage points on or near the maintenance barge. One PSO will have an unobstructed view of all water within the shutdown zone. Remaining PSOs will observe as much as the Level A and Level B harassment zones as possible.

Monitoring will be conducted 30 minutes before, during, and 30 minutes after all inwater construction activities. In addition, PSOs will record all incidents of marine mammal occurrence, regardless of distance from activity, and will document any

behavioral reactions in concert with distance from piles being driven or removed. Pile driving activities include the time to install or remove a single pile or series of piles, as long as the time elapsed between uses of the pile driving equipment is no more than 30 minutes.

Reporting

Transco will submit a draft marine mammal monitoring report to NMFS within 90 days after the completion of pile driving activities, or 60 days prior to a requested date of issuance of any future IHAs for the project, or other projects at the same location, whichever comes first. The marine mammal monitoring report will include an overall description of work completed, a narrative regarding marine mammal sightings, and associated PSO data sheets. Specifically, the report will include:

- Dates and times (begin and end) of all marine mammal monitoring;
- Construction activities occurring during each daily observation period, including: (1) The number and type of piles that were driven and the method (*e.g.,* impact or vibratory); and, (2) Total duration of driving time for each pile (vibratory driving) and number of strikes for each pile (impact driving);
- PSO locations during marine mammal monitoring;
- Environmental conditions during monitoring periods (at beginning and end of PSO shift and whenever conditions change significantly), including Beaufort sea state and any other relevant weather conditions including cloud cover, fog, sun glare, and overall visibility to the horizon, and estimated observable distance;
- Upon observation of a marine mammal, the following information: (1) Name of PSO who sighted the animal(s) and PSO location and activity at time of sighting; (2) Time of sighting; (3) Identification of the animal(s) (*e.g.,* genus/species, lowest possible taxonomic level, or unidentified), PSO confidence in identification, and the composition of the group if there is a mix of species; (4) Distance and location of each observed marine mammal relative to the pile being driven for each sighting; (5) Estimated number of animals (min/max/best estimate); (6) Estimated number of animals by cohort (adults, juveniles, neonates, group composition, *etc.*); (7) Animal's closest point of approach and estimated time spent within the harassment zone; (8) Description of any marine mammal behavioral observations (*e.g.,* observed behaviors such as feeding or traveling), including an assessment of behavioral responses thought to have resulted from the activity (*e.g.,* no response or changes in behavioral state such as ceasing feeding, changing direction, flushing, or breaching);
- Number of marine mammals detected within the harassment zones, by species; and,
- Detailed information about implementation of any mitigation (*e.g.,* shutdowns and delays), a description of specific actions that ensued, and resulting changes in behavior of the animal(s), if any.

A final report must be prepared and submitted within 30 calendar days following receipt of any NMFS comments on the draft report. If no comments are received from NMFS within 30 calendar days of receipt of the draft report, the report shall be considered final. All PSO data will be submitted electronically in a format that can be queried such as a spreadsheet or database and will be submitted with the draft marine mammal report.

In the event that personnel involved in the construction activities discover an injured or dead marine mammal, the Holder must report the incident to the Office of Protected Resources (OPR), NMFS (*PR.ITP.MonitoringReports@noaa.gov* and *itp.fleming@noaa.gov*) and Greater Atlantic Region New England/Mid-Atlantic Regional Stranding Coordinator (978–282–8478 or 978–281–9291) as soon as feasible. If the death or injury was clearly caused by the specified activity, the Holder must immediately cease the activities until NMFS OPR is able to review the circumstances of the incident and determine what, if any, additional measures are appropriate to ensure compliance with the terms of this IHA. The Holder must not resume their activities until notified by NMFS. The report must include the following information:

- Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);
- Species identification (if known) or description of the animal(s) involved;
- Condition of the animal(s) (including carcass condition if the animal is dead);
- Observed behaviors of the animal(s), if alive;
- If available, photographs or video footage of the animal(s); and
- General circumstances under which the animal was discovered.

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through harassment, NMFS considers other factors, such as the likely nature of any impacts or responses (*e.g.,* intensity, duration), the context of any impacts or responses (*e.g.,* critical reproductive time or location, foraging impacts affecting energetics), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS' implementing regulations (54 FR 40338, September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the baseline (*e.g.,* as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

To avoid repetition, the majority of our analysis applies to all the species listed in table 1, given that many of the anticipated effects of this project on different marine mammal stocks are expected to be relatively similar in nature. Where there are meaningful differences between species or stocks, or groups of species, in anticipated individual responses to activities, impact of expected take on the population due to differences in population status, or impacts on habitat, they are described independently in the analysis below.

Pile driving associated with the Transco LNYBL maintenance project, as outlined previously, has the potential to disturb or displace marine mammals. Specifically, the specified activities may result in take, in the form of Level B harassment and, for some species, Level A harassment, from underwater sounds generated by pile driving.

No serious injury or mortality is expected, even in the absence of required mitigation measures, given the nature of the activities. Further, no take by Level A harassment is anticipated for low-frequency, mid-frequency, or high-frequency cetaceans. The potential for

harassment will be minimized through the implementation of planned mitigation measures (see Mitigation section).

Take by Level A harassment is expected for pinnipeds (harbor seal, harp seal, and gray seal). Any take by Level A harassment is expected to arise from, at most, a small degree of PTS (*i.e.,* minor degradation of hearing capabilities within regions of hearing that align most completely with the energy produced by impact pile driving such as the low-frequency region below 2 kilohertz (kHz), not severe hearing impairment or impairment within the ranges of greatest hearing sensitivity. Animals would need to be exposed to higher levels and/or longer duration than are expected to occur here in order to incur any more than a small degree of PTS.

Further, the amount of take authorized by Level A harassment is very low for all marine mammal stocks and species. For 8 species, NMFS anticipates no Level A harassment take over the duration of Transco's planned activities; for pinnipeds, NMFS expects no more than 69 takes by Level A harassment across all 3 pinniped species (harbor seal, gray seal, harp seal). If hearing impairment occurs, it is most likely that the affected animal would lose only a few decibels in its hearing sensitivity. Due to the small degree anticipated, any PTS potential incurred would not be expected to affect the reproductive success or survival of any individuals, much less result in adverse impacts on the species or stock.

Additionally, some subset of the individuals that are behaviorally harassed could also simultaneously incur some small degree of TTS for a short duration of time. However, since the hearing sensitivity of individuals that incur TTS is expected to recover completely within minutes to hours, it is unlikely that the brief hearing impairment would affect the individual's long-term ability to forage and communicate with conspecifics, and would therefore not likely impact reproduction or survival of any individual marine mammal, let alone adversely affect rates of recruitment or survival of the species or stock.

As described above, NMFS expects that marine mammals will likely move away from an aversive stimulus, especially at levels that would be expected to result in PTS, given sufficient notice through use of soft start. Transco would also shut down pile driving activities if marine mammals enter the shutdown zones (table 9) further minimizing the degree of PTS that would be incurred.

Effects on individuals that are taken by Level B harassment in the form of behavioral disruption, on the basis of reports in the literature as well as monitoring from other similar activities, will likely be limited to reactions such as avoidance, increased swimming speeds, increased surfacing time, or decreased foraging (if such activity were occurring) (*e.g.,* Thorson and Reyff, 2006). Most likely, individuals will simply move away from the sound source and temporarily avoid the area where pile driving is occurring. If sound produced by project activities is sufficiently disturbing, animals are likely to simply avoid the area while the activities are occurring. We expect that any avoidance of the project areas by marine mammals will be temporary in nature and that any marine mammals that avoid the project areas during construction will not be permanently displaced. Short-term avoidance of the project areas and energetic impacts of interrupted foraging or other important behaviors is unlikely to affect the reproduction or survival of individual marine mammals, and the effects of behavioral disturbance on individuals is not likely to accrue in a manner that will affect the rates of recruitment or survival of any affected stock.

As described above, humpback whales, and gray, harbor and harp seals are experiencing ongoing Unusual Mortality Events (UMEs). With regard to humpback whales, the UME does not yet provide cause for concern regarding population-level impacts. Despite the UME, the relevant population of humpback whales (the West Indies breeding population, or Distinct Population Segment (DPS) remains healthy. The West Indies DPS, which consists of the whales whose breeding range includes the Atlantic margin of the Antilles from Cuba to northern Venezuela, and whose feeding range primarily includes the Gulf of Maine, eastern Canada, and western Greenland, was delisted. The status review identified harmful algal blooms, vessel collisions, and fishing gear entanglements as relevant threats for this DPS, but noted that all other threats are considered likely to have no or minor impact on population size or the growth rate of this DPS (Bettridge *et al.,* 2015). As described in Bettridge *et al.,* (2015), the West Indies DPS has a substantial population size (*i.e.,* approximately 10,000; Stevick *et al.,* 2003; Smith *et al.,* 1999; Bettridge *et al.,* 2015), and appears to be experiencing consistent growth.

In regards to pinnipeds (harbor seals, gray seals and harp seals), we do not expect takes that may be authorized under this IHA to exacerbate or compound upon ongoing UMEs. Between July 2018 and March 2020, elevated seal mortalities occurred across ME, NH and MA, and as far south as VA due to phocine distemper virus (the UME is still active but pending closure). Since June 2022, a UME has been declared for Northeast pinnipeds in which elevated numbers of sick and dead harbor seals, gray seals, and harp seals have been documented along the southern and central coast of ME (NOAA Fisheries, 2022). Between June 1, 2022 and July 16, 2023, 65 grays seals, 379 harbor seals, and 6 harp seals have stranded. As noted previously, no injury, serious injury, or mortality is expected or will be authorized, and takes of harbor seal, gray seal, and harp seal will be minimized through the incorporation of the required mitigation measures. The population abundance for these species is 61,336, 27,300, and 7.6 million, respectively (Hayes *et al.,* 2022). The 3,882 takes that may be authorized across these species represent a small proportion of each population and as such we do not expect this authorization to exacerbate or compound upon these UMEs.

The project is also not expected to have significant adverse effects on affected marine mammals' habitats. No ESA-designated critical habitat or recognized Biologically Important Areas are located within the project area. The project activities are not expected to modify existing marine mammal habitat for a significant amount of time. The activities may cause a low level of turbidity in the water column and some fish may leave the area of disturbance, thus temporarily impacting marine mammals' foraging opportunities in a limited portion of the foraging range; but, because of the short duration of the activities and the relatively small area of the habitat that may be affected (with no known particular importance to marine mammals), the impacts to marine mammal habitat are not expected to cause significant or long-term negative consequences. The closest pinniped haulout is located 2.9 km from the work area but does not intersect with the harassment zones.

For all species and stocks, take is expected to occur within a limited, relatively confined area (primarily Raritan Bay) of the stock's range, which is not of particular importance for marine mammals that may occur there. Given the availability of suitable habitat nearby, any displacement of marine mammals from the project areas is not expected to affect marine mammals' fitness, survival, and reproduction due to the limited geographic area that will

be affected in comparison to the much larger habitat for marine mammals outside the bay along the NJ and NY coasts. Additionally, NMFS anticipates that the prescribed mitigation will minimize the duration and intensity of expected harassment events.

Some individual marine mammals in the project area, such as harbor seals or bottlenose dolphins, may be present and be subject to repeated exposure to sound from pile driving activities on multiple days. However, pile driving and extraction is not expected to occur on every day, and these individuals will likely return to normal behavior during gaps in pile driving activity within each day of construction and in between work days. As discussed above, individuals could temporarily relocate during construction activities to reduce exposure to elevated sound levels from the project. Additionally, haulout habitat available for pinnipeds does not intersect with the harassment zones. Therefore, any behavioral effects of repeated or long duration exposures are not expected to negatively affect survival or reproductive success of any individuals. Thus, even repeated Level B harassment of some small subset of an overall stock is unlikely to result in any effects on rates of reproduction and survival of the stock.

In summary and as described above, the following factors primarily support our determination that the impacts resulting from this activity are not expected to adversely affect any of the species or stocks through effects on annual rates of recruitment or survival:

- No serious injury or mortality is anticipated or authorized;
- The anticipated impacts of the planned activity on marine mammals will be temporary behavioral changes due to avoidance of the project area and limited instances of Level A harassment in the form of a slight PTS for pinnipeds. Potential instances of exposure above the Level A harassment threshold are expected to be relatively low for most species;
- The availability of alternate areas of similar habitat value nearby;
- Effects on species that serve as prey species for marine mammals from the planned project are expected to be short-term and are not expected to result in significant or long-term consequences for individual marine mammals, or to contribute to adverse impacts on their populations;
- There are no known important feeding, breeding, or calving areas in the project area; and,
- The established mitigation measures, including visual monitoring, shutdown zones, and soft start, are expected to minimize potential impacts to marine mammals.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the required monitoring and mitigation measures, NMFS finds that the total marine mammal take from the planned activity will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted previously, only take of small numbers of marine mammals may be authorized under sections 101(a)(5)(A) and (D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. When the predicted number of individuals to be taken is fewer than one-third of the species or stock abundance, the take is considered to be of small numbers. Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

We authorize incidental take of 12 marine mammal stocks. The total amount of taking authorized is well below one-third of the estimated stock abundance for all species except for the western north Atlantic northern coastal migratory stock of bottlenose dolphins (table 8).

The total number of authorized takes for bottlenose dolphins, if assumed to accrue solely to new individuals of the northern migratory coastal stock, is >90 percent of the total stock abundance, which is currently estimated as 6,639. However, these numbers represent the estimated incidents of take, not the number of individuals taken. That is, it is highly likely that a relatively small subset of these bottlenose dolphins will be harassed by project activities.

Western North Atlantic Northern Migratory Coastal bottlenose dolphins make broad scale, seasonal migrations in coastal waters of the Western north Atlantic. During the warm months, when the project is planned, their range extends from the shoreline to the 20 m isobaths between Assateague, VA to Long Island, NY (Garrison *et al.,* 2017b), an area spanning approximately 300 linear km of coastline. It is likely that the majority of the Western North Atlantic Northern Migratory Coastal bottlenose dolphins will not occur within waters ensonified by project activities.

In summary, the Western North Atlantic Northern Migratory Coastal bottlenose dolphins are not expected to occur in a significant portion of the larger ZOI. Given that the specified activity will be stationary within an area not recognized as any special significance that would serve to attract or aggregate dolphins, we therefore believe that the estimated numbers of takes, were they to occur, likely represent repeated exposures of a much smaller number of bottlenose dolphins and that these estimated incidents of take represent small numbers of bottlenose dolphins.

Based on the analysis contained herein of the planned activity (including the required mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals will be taken relative to the population size of the affected species or stocks.

Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks will not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

Endangered Species Act

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

OPR requested initiation of consultation with GARFO under section 7 of the ESA on the issuance of the IHA to Transco under section 10(a)(5)(D) of the MMPA. On March 6, 2024, GARFO concluded consultation with OPR and the U.S. Army Corps of Engineers concerning the conduct of the specified activities which concluded that the

issuance of the authorization is not likely to adversely affect any listed marine mammal species.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must evaluate our proposed action (*i.e.,* the issuance of an IHA) and alternatives with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NAO 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that precludes this categorical exclusion. Accordingly, NMFS has determined that the issuance of this IHA qualifies to be categorically excluded from further NEPA review.

Authorization

NMFS has issued an IHA to Transco for the potential harassment of small numbers of 11 marine mammal species incidental to the LNYBL Maintenance project in Sandy Hook Channel, NJ, that includes the previously explained mitigation, monitoring and reporting requirements.

Dated: March 14, 2024.

Kimberly Damon-Randall,

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

[FR Doc. 2024–05998 Filed 3–20–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XD819]

Marine Mammals; File No. 27342

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Heidi Pearson, Ph.D., University of Alaska Southeast, 11066 Auke Lake Way, Juneau, AK 99801, has applied in due form for a permit to conduct research on marine mammals.

DATES: Written comments must be received on or before April 22, 2024.

ADDRESSES: The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the ''Features'' box on the Applications and Permits for Protected Species home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 27342 from the list of available applications. These documents are also available upon written request via email to *NMFS.Pr1Comments@noaa.gov.*

Written comments on this application should be submitted via email to *NMFS.Pr1Comments@noaa.gov.* Please include File No. 27342 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request via email to *NMFS.Pr1Comments@noaa.gov.* The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Shasta McClenahan, Ph.D., or Courtney Smith, Ph.D., (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

The applicant requests a 5-year research permit to study marine mammal behavior, ecology, health, and movement patterns. Up to 11 species of marine mammals may be harassed including the following ESA-listed species: fin (*Balaenoptera physalus*), gray (*Eschrichtius robustus;* Western North Pacific distinct population segment [DPS]), humpback (*Megaptera novaeangliae;* Mexico DPS), and sperm (*Physeter macrocephalus*) whales, and Steller sea lions (*Eumetopias jubatus,* Western DPS). Research may occur year-round in waters off Southeast Alaska. Research may be conducted from a vessel or unmanned aircraft system for counts, photography and video recording (above and underwater), photogrammetry, passive acoustics, tracking, suction-cup tagging, and biological sampling (skin and blubber biopsy, skin swabs, sloughed skin, exhaled air, feces, and eDNA). See the application for complete numbers of animals requested by species, age-class, and procedure.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: March 18, 2024.

Julia M. Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2024–06000 Filed 3–20–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Department of Defense Military Family Readiness Council; Notice of Federal Advisory Committee Meeting

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

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The DoD is publishing this notice to announce the following Federal Advisory Committee meeting of the DoD Military Family Readiness Council (MFRC) will take place.

DATES: Open to the public, Wednesday, March 27, 2024, from 1 p.m. to 3:30 p.m.

ADDRESSES: The meeting will be held by videoconference. Participant access information will be provided after registering. (Pre-meeting registration is required. See guidance in **SUPPLEMENTARY INFORMATION**, ''Meeting Accessibility'').

FOR FURTHER INFORMATION CONTACT: Vesen L. Thompson, (703) 571–2360 (voice), OSD Pentagon OUSD P&R Mailbox Family Readiness Council, *osd.pentagon.ousd-p-r.mbx.family-readiness-council@mail.mil* (Email). Mailing address: Office of the Deputy Assistant Secretary of Defense (Military Community & Family Policy), 1500 Defense Pentagon, Washington DC 20301–1500, Room 5A726. Website: *http://www.militaryonesource.mil/those-who-support-mfrc.*

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of chapter 10 of title 5, United States Code (U.S.C) (commonly known as the ''Federal Advisory Committee Act'' or ''FACA''), title 5,

U.S.C., section 552b (commonly known as the ''Government in the Sunshine Act''), and title 41, Code of Federal Regulations (CFR), section 102–3.140, and section 102–3.155.

Due to circumstances beyond the control of the Designated Federal Officer (DFO) and the DoD, the DoD MFRC was unable to provide public notification required by 41 CFR 102–3.150(a) concerning its March 27, 2024 meeting. Accordingly, the Advisory Committee Management Officer for the DoD, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

Availability of Materials for the Meeting: Additional information, including the agenda or any updates to the agenda, is available at the DoD MFRC website: *https://www.militaryonesource.mil/mfrc.*

Materials presented in the meeting may also be obtained on the DoD MFRC website.

Purpose of the Meeting: The purpose of the meeting is for the DoD MFRC to receive briefings and have discussions on topics related to Military Family Readiness Programs and Activities.

Agenda: Wednesday, March 27, 2024, from 1 p.m. to 3:30 p.m.—Welcome, Introductions, Announcements, Briefings on Economic Security which will include Compensation and Financial Readiness, Child Care, Spouse Employment, Food Security and a Military Service Panel that will address Economic Security best practices.

Meeting Accessibility: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, this meeting is open to the public from 1 p.m. to 3:30 p.m. on March 27, 2024. The meeting will be held by videoconference. The number of participants is limited and is on a first-come basis. All members of the public who wish to participate must register by contacting DoD MFRC at (*osd.pentagon.ousd-p-r.mbx.family-readiness-council@mail.mil*) or by contacting Mr. Vesen Thompson at (703) 571–2360 (voice), no later than Monday, March 25, 2024. Once registered, the web address and/or audio number will be provided.

Special Accommodations: Individuals requiring special accommodations to access the public meeting should contact Mr. Vesen Thompson no later than Monday, March 25, 2024, so that appropriate arrangements can be made.

Written Statements: Pursuant to 41 CFR 102–3.140, and section 10(a)(3) of the FACA, interested persons may submit a written statement to the DoD MFRC; however, email submissions are preferred. Persons interested in providing a written statement for review and consideration by DoD MFRC members attending the March 27, 2024 meeting, are encouraged to do so at *osd.pentagon.ousd-p-r.mbx.family-readiness-council@mail.mil*). Written statements received after this date will be provided to DoD MFRC members in preparation for the next MFRC meeting. The DFO will review all timely submissions and ensure submitted written statements are provided to DoD MFRC members prior to the meeting that is subject to this notice. The DFO will review all timely submissions with the DoD MFRC Chair and ensure they are provided to the members of the DoD MFRC.

Those who make submissions are requested to avoid including personally identifiable information such as names of adults and children, phone numbers, addresses, social security numbers and other contact information within the body of the written statement.

Dated: March 14, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–05991 Filed 3–20–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2024–SCC–0048]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Application for Grants Under the Alaska Native and Native Hawaiian-Serving Institutions Program, Part A and Part F (1894–0001)

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing an extension without change of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before April 22, 2024.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be submitted within 30 days of publication of this notice. Click on this link *www.reginfo.gov/public/do/PRAMain* to access the site. Find this information collection request (ICR) by selecting ''Department of Education'' under ''Currently Under Review,'' then check the ''Only Show ICR for Public Comment'' checkbox. *Reginfo.gov* provides two links to view documents related to this information collection request. Information collection forms and instructions may be found by clicking on the ''View Information Collection (IC) List'' link. Supporting statements and other supporting documentation may be found by clicking on the ''View Supporting Statement and Other Documents'' link.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Robyn Wood, 202–987–1577.

SUPPLEMENTARY INFORMATION: The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Application for Grants Under the Alaska Native and Native Hawaiian-Serving Institutions Program, Part A and Part F (1894–0001).

OMB Control Number: 1840–0810.

Type of Review: An extension without change of a currently approved ICR.

Respondents/Affected Public: State, local, and Tribal governments.

Total Estimated Number of Annual Responses: 75.

Total Estimated Number of Annual Burden Hours: 12,000.

Abstract: The Department of Education, Office of Postsecondary Education, manages the Alaska Native and Native Hawaiian-Serving Institutions (ANNH) Program (Part A and Part F), which provides grant funds to eligible institutions that have either an undergraduate population of 20% Alaska Native students or 10% Native Hawaiian students. The grant program is competitive and requires applicants to submit an application for review.

This collection is being submitted under the Streamlined Clearance Process for Discretionary Grant Information Collections (1894–0001). Therefore, the 30-day public comment period notice will be the only public comment notice published for this information collection.

Dated: March 18, 2024.

Kun Mullan,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2024–05978 Filed 3–20–24; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2024–SCC–0009]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; State Educational Agency (SEA) Procedures for Adjusting ED-Determined Title I Allocations to Local Education Agencies (LEAs)

AGENCY: Office of the Elementary and Secondary Education (OESE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing an extension without change of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before April 22, 2024.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be submitted within 30 days of publication of this notice. Click on this link *www.reginfo.gov/public/do/PRAMain* to access the site. Find this information collection request (ICR) by selecting ''Department of Education'' under ''Currently Under Review,'' then check the ''Only Show ICR for Public Comment'' checkbox. *Reginfo.gov* provides two links to view documents related to this information collection request. Information collection forms and instructions may be found by clicking on the ''View Information Collection (IC) List'' link. Supporting statements and other supporting documentation may be found by clicking on the ''View Supporting Statement and Other Documents'' link.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Todd Stephenson, 202–205–1645.

SUPPLEMENTARY INFORMATION: The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: SEA Procedures for Adjusting ED-Determined Title I Allocations to Local Education Agencies (LEAs).

OMB Control Number: 1810–0622.

Type of Review: An extension without change of a currently approved ICR.

Respondents/Affected Public: State, local, and Tribal governments.

Total Estimated Number of Annual Responses: 52.

Total Estimated Number of Annual Burden Hours: 2,080.

Abstract: We are requesting a three-year extension of the current paperwork clearance package (OMB number 1810–0622) related to State educational agency (SEA) procedures for adjusting Title I, Part A local educational agency (LEA) allocations determined by the U.S. Department of Education (ED).

Title I, part A of the Elementary and Secondary Education Act of 1965, as amended (ESEA), requires ED to allocate Basic Grants, Concentration Grants, Targeted Grants, and Education Finance Incentive Grants directly to LEAs. (See sections 1124(a)(2), 1124A(a), 1125(a), (b), and (c)(2), and 1125A(c) and (d)(1)(B), (2)(B), and (3)(B) of the statute at *https://uscode.house.gov/browse/prelim@title20/chapter70/subchapter1/partA&edition=prelim.*) Title I, part A allocations are based primarily on poverty data provided by the Census Bureau and reflect a national list of LEAs that is generally two years old. For example, the list of LEAs used for calculating school year (SY) 2023–2024 allocations is based on LEAs that existed in SY 2021–2022. Because the list of LEAs used by ED in determining LEA allocations does not match the current universe of LEAs in many States, SEAs must adjust EDs allocations to account for district boundary changes and newly-created LEAs that are eligible for title I, part A funds but did not receive an allocation under ED calculations.

Dated: March 18, 2024.

Kun Mullan,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2024–05983 Filed 3–20–24; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Technical Assistance and Dissemination To Improve Services and Results for Children With Disabilities—The National Center for Systemic Improvement

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education (Department) is issuing a notice inviting applications for new awards for fiscal year (FY) 2024 for the National Center for Systemic Improvement, Assistance Listing Number 84.326R. This notice relates to the approved information collection under OMB control number 1820–0028.

DATES:

Applications Available: March 21, 2024.

Deadline for Transmittal of Applications: May 20, 2024.

Deadline for Intergovernmental Review: July 19, 2024.

Pre-Application Webinar Information: No later than March 26, 2024, the Office of Special Education Programs and Rehabilitative Services will post pre-recorded informational webinars designed to provide technical assistance (TA) to interested applicants. The webinars may be found at *www2.ed.gov/fund/grant/apply/osep/new-osep-grants.html.*

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 7, 2022 (87 FR 75045) and available at *www.federalregister.gov/d/2022-26554.*

FOR FURTHER INFORMATION CONTACT: Perry Williams, U.S. Department of Education, 400 Maryland Avenue SW, Room 4A10, Washington, DC 20202. Telephone: (202) 987–0138. Email: *perry.williams@ed.gov.*

If you are deaf, hard of hearing, or have a speech disability and wish to

access telecommunications relay services, please dial 7–1–1.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities program is to promote academic achievement and to improve results for children with disabilities by providing TA, supporting model demonstration projects, disseminating useful information, and implementing activities that are supported by scientifically based research.

Priority: This competition includes one absolute priority. In accordance with 34 CFR 75.105(b)(2)(v), this priority is from allowable activities specified in the statute (see sections 663 and 681(d) of the Individuals with Disabilities Education Act (IDEA); 20 U.S.C. 1463 and 1481(d)).

Absolute Priority: For FY 2024 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3), we consider only applications that meet this priority.

This priority is:

The National Center for Systemic Improvement.

Background

The cornerstone of IDEA is to ensure that all children, regardless of the nature or severity of their disability, have access to a free appropriate public education (FAPE) in the least restrictive environment (LRE). While States and local educational agencies (LEAs) are primarily responsible for providing FAPE in the LRE for all eligible children with disabilities (CWD), it is in the interest for the Department to ensure States and LEAs are in compliance with the IDEA and effectively serving CWD. 20 U.S.C. 1400(c)(6). Therefore, the Department proposes to fund the National Center for Systemic Improvement to provide State educational agencies (SEAs) with an array of tools, resources, and assistance to improve the educational results and functional outcomes for CWD.

IDEA places the responsibility for ensuring access to FAPE in the LRE on the SEA. 34 CFR 300.101(b). As such, the SEA must monitor IDEA implementation by LEAs to ensure that LEAs meet IDEA requirements with particular emphasis on those requirements that are most closely related to improving educational results and functional outcomes for CWD. 20 U.S.C. 1416(a)(2)(A).

The National Assessment of Educational Progress (NAEP) scores for CWD have lagged behind those of their peers without disabilities for the past two decades. Although average NAEP score gaps narrowed between students with and without disabilities since 2019, results of the 2022 NAEP show that CWD, including those with 504 plans, performed 40 points below children without disabilities in fourth grade reading, with average scores of 183 and 223, respectively and 28 points below their peers in math for the same grade with average scores of 212 and 240, respectively (U.S. Department of Education, 2022). Also, the National Center for Education Statistics (2023) recent data from the 2019–2020 school year show that the high school graduation rate for all children was 86.5 percent while the graduation rate for CWD was 70.6 percent.

As stated in IDEA, research and experience has demonstrated CWD are more effectively educated when there are high expectations and there is access to the general curriculum in the regular classroom, to the maximum extent possible. 20 U.S.C. 1400(c)(5)(A). One method SEAs use to ensure high expectations and access to the general curriculum in the regular classroom, to the maximum extent possible, is through implementing reasonably designed general supervision systems.[1] Through a reasonably designed general supervision system, an SEA monitors IDEA implementation by LEAs to ensure that LEAs meet IDEA requirements with particular emphasis on those requirements that are most closely related to improving educational results and functional outcomes for CWD, like increased assessment proficiency and graduation rates. 20 U.S.C. 1416(a)(2)(A).

The Office of Special Education Programs' (OSEP's) most recent Part B findings from its Differentiated Monitoring and Supports (DMS) 2.0[2] visits highlight ongoing concerns that States' general supervision systems are not designed to identify and correct noncompliance in LEAs related to monitoring and improvement, fiscal monitoring, dispute resolution, early childhood transition, and significant disproportionality as well as other general supervision requirements. Further, IDEA section 616(d) determinations[3] show that between 2014 and 2023, only seven Part B States consistently received the ''meets requirements'' determination in accordance with 20 U.S.C. 1416(d)(2)(A).

In response to these ongoing findings, in July 2023, OSEP released to the field, *Guidance on State General Supervision Responsibilities under Parts B and C of the IDEA*.[4] This guidance is intended to support States as they implement, monitor progress, and continuously update, with fidelity, reasonably designed general supervision systems to ensure statewide accountability to identify and correct noncompliance in a timely manner; increase accountability through the collection of timely and accurate data; and ensure the full implementation of IDEA for CWD and their families.

There are several challenges that affect States' abilities to effectively meet the requirements of IDEA and lead successful systemic improvement efforts. Recently, the pandemic and its impact exacerbated the educational disparities between CWD and their peers without disabilities and also highlighted existing gaps in State infrastructures (Pier et al., 2021). Specifically, SEAs suffer from a ''capacity gap'' that undermines their ability to monitor and enforce policy mandates, provide TA, and deliver professional development (PD) to LEAs that support continuous improvement efforts to ensure CWD achieve equitable outcomes. A major contributor to this ''capacity gap'' is the turnover rate of SEA administrators and leaders, which has created a lack of continuity in institutional knowledge and leadership. For example, States filled positions for 10 new directors of special education (17 percent) in 2021; 16 (27 percent) in 2022; and 12 (21 percent) in 2023.

In addition, a National Center for Learning Disabilities (NCLD) report, *Assessing ESSA: Missed Opportunities*

[1] A reasonably designed State general supervision system should include eight integrated components. These components include the following: Integrated monitoring activities; data on processes and results; the State Performance Plan/Annual Performance Report; fiscal management; effective dispute resolution; targeted TA and professional development; policies, procedures, and practices resulting in effective implementation; and improvement, correction, incentives, and sanctions.

[2] *https://sites.ed.gov/idea/files/DMS-2.0-Overview.pdf.*

[3] Consistent with IDEA section 616(d), the Department must make an annual determination as to the extent to which each State's IDEA Part B program is meeting IDEA requirements. The Department can determine that a State meets the requirements and purposes of IDEA Part B, needs assistance in implementing Part B requirements, needs intervention in implementing Part B requirements, or needs substantial intervention in implementing Part B requirements. 20 U.S.C. 1416(d)(2)(A).

[4] *https://sites.ed.gov/idea/files/Guidance_on_State_General_Supervision_Responsibilities_under_Parts_B_and_C_of_IDEA-07-24-2023.pdf.*

for Children with Disabilities and a review of State Systemic Improvement Plans (SSIPs) submitted by States in 2023, continue to expose States' capacity challenges, including (1) promotion of Universal Design for Learning as a natural connection for general and special education collaboration; (2) meaningful engagement of diverse perspectives to recognize that student and family voices are inherently important sources of data; (3) integration of State general supervision systems to allow components to connect, interact, and inform one another, avoiding silos across the system; (4) the ability to strategically allocate resources where there are weaknesses in meeting IDEA and their fiscal requirements; (5) robust mapping of systems of support to align with State priorities and initiatives, guidance to the field, and resources to support evidence-based practices (EBPs) selection, adoption, use, and scaling; (6) SSIP implementation and measuring State Identified Measurable Result impact; (7) effective systems alignment with general education efforts; and (8) conditions for continuous improvement to advance educational equity (NCLD, 2018).

Successfully addressing these challenges and improving State complex systems involves changing actions and behaviors as well as the ''hearts and minds'' of each partner (*e.g.,* educators, administrators, community members, and families) in an ongoing way (Blase et al., 2014). This continuous improvement approach requires a level of capacity that SEAs may not have, as it goes well beyond compliance monitoring and into sustained TA and support, and developing leadership and staff capacity to solve their unique challenges (Heifetz et al., 2009). In response to these internal capacity limitations, SEAs tend to rely on an array of external support and assistance from consultants, coaches, and statewide TA providers.

This Center will serve as a critical support to States working to address these and other capacity challenges and to improve the educational results and functional outcomes for CWD. This Center will advance the Secretary's priorities in promoting equity in student access to educational resources and opportunities. The Center will support States to use data to evaluate, analyze, refine, strengthen, and, if applicable, redesign their general supervision systems for effectiveness in improving educational results and functional outcomes for CWD as well as to address systemic inequities.

Priority

The purpose of this priority is to fund a cooperative agreement to establish and operate the National Center for Systemic Improvement (project). This project will provide sustained TA to SEAs to support them to effectively implement IDEA, build the capacity of State directors and State-level staff to meet the requirements of IDEA and build statewide systems to advance educational equity, mitigate SEA turnover, and improve academic and functional outcomes for children and youth with disabilities.

The project must achieve, at a minimum, the following expected outcomes:

(a) Increased capacity of SEAs to support LEAs and schools in selecting and implementing evidence-based [5] practices (EBPs) and high-leverage practices (HLPs) [6] within frameworks supported by evidence that drive effective learning experiences, instruction, interventions, and services and supports to improve educational results and functional outcomes for CWD;

(b) Increased capacity of SEAs to use data to evaluate, analyze, refine, strengthen, and if applicable, redesign their general supervision systems to ensure all components are reasonably designed and inform continuous improvement efforts;

(c) Increased capacity of SEAs to implement their general supervision systems to support LEAs and schools to effectively implement IDEA and deliver equitable and effective IDEA services;

(d) Increased capacity of SEAs to use data to engage in continuous improvement that builds more equitable, effective, and sustainable State systems to improve educational results and functional outcomes for children and youth with disabilities and their families; and

(e) Increased capacity of SEAs to meaningfully engage diverse State and local administrators, educators, community members, and families, including those historically marginalized by the education system in decision making processes.

In addition to these programmatic requirements, to be considered for funding under this priority, applicants must meet the application and administrative requirements in this priority, which are:

(a) Demonstrate, in the narrative section of the application under ''Significance,'' how the proposed project will—

(1) Address the current and emerging capacity needs (especially post-pandemic) of SEAs to ensure the effective redesign, if applicable, implementation and evaluation of their general supervision systems to support both results focused implementation of the IDEA and compliance with IDEA requirements. To meet this requirement, the applicant must—

(i) Demonstrate knowledge of current educational issues and policy initiatives relating to SEAs' effective systems alignment with general education and IDEA efforts that target and support LEA improvement;

(ii) Present information and data about the current capacity of SEAs to support continuous improvement, and how the project will enhance SEA capacity to support LEAs and schools to implement, scale-up, and sustain the use of EBPs and HLPs with fidelity; and

(iii) Demonstrate knowledge of the current capacity of SEAs to implement and equitably apply policies and practices that support equitable outcomes for children and youth with disabilities and their families;

(2) Increase SEA implementation of policies and practices that can improve SEA retention rates of special education leaders;

(3) Use effective approaches to disseminate Department guidance, knowledge, tools, and resources to SEAs, LEAs, diverse recipients, and other Department-funded TA centers;

(4) Implement effective TA strategies and deliver evidence-based PD; and

(5) Result in improvements to SEA capacity to use data to evaluate, analyze, refine, strengthen, and, if applicable, redesign their general supervision systems. To meet this requirement, the applicant must describe the results that the project is expected to make and the likely magnitude or importance of these results.

(b) Demonstrate, in the narrative section of the application under ''Quality of project services,'' how the proposed project will—

(1) Ensure equal access and treatment for members of groups that have traditionally been underrepresented

[5] For the purposes of this priority, ''evidence-based'' means, at a minimum, evidence that demonstrates a rationale (as defined in 34 CFR 77.1), where a key project component included in the project's logic model is informed by research or evaluation findings that suggest the project component is likely to improve relevant outcomes.

[6] For the purposes of this priority, ''high-leverage practices'' refers to a set of practices in special education that are essential to improving student learning and behavior and can be learned through coursework, deliberately practiced in clinical practice, and generalized in future field experiences. For more detailed information on high-leverage practices, see High-Leverage Practices in Special Education at *https://highleveragepractices.org/*.

based on race, color, national origin, gender, age, or disability. To meet this requirement, the applicant must describe how it will—

(i) Identify the needs of the intended recipients for TA and information; and

(ii) Ensure that services and products meet the needs of the intended recipients of the project services;

(2) Achieve its goals, objectives, and intended outcomes. To meet this requirement, the applicant must provide—

(i) Measurable intended project outcomes; and

(ii) In Appendix A, the logic model (as defined in 34 CFR 77.1) by which the proposed project will achieve its intended outcomes that depicts, at a minimum, the goals, activities, outputs, and intended outcomes of the proposed project;

(3) Use a conceptual framework (and provide a copy in Appendix A) to develop project plans and activities, describing any underlying concepts, assumptions, expectations, beliefs, or theories, as well as the presumed relationships or linkages among these variables, and any empirical support for this framework;

Note: The following websites provide more information on logic models and conceptual frameworks: *https://osepideasthatwork.org/sites/default/files/2021-12/ConceptualFramework_Updated.pdf* and *www.osepideasthatwork.org/resources-grantees/program-areas/ta-ta/tad-project-logic-model-and-conceptual-framework.*

(4) Be based on current research and make use of EBPs. To meet this requirement, the applicant must describe—

(i) The current research on capacity building, systems change, family engagement, IDEA general supervision systems, and continuous improvement in SEAs;

(ii) The current research on racial and educational equity and how it will inform the TA;

(iii) Best practices to build SEA leadership capacity and strategies to mitigate turnover;

(iv) The current research about adult learning principles and implementation science that will inform the proposed TA; and

(v) How the proposed project will incorporate current research and practices in the development and delivery of its products and services;

(5) Develop products and provide services that are of high quality and sufficient intensity and duration to achieve the intended outcomes of the proposed project. To address this requirement, the applicant must describe—

(i) How it proposes to identify or develop the knowledge base SEA leaders need to—

(A) Review current systems to identify the conditions to support continuous improvement, build SEA capacity to implement general supervision systems, which are reasonably designed to effectively support the implementation of IDEA requirements, and assist SEAs to engage in OSEP's DMS processes;

(B) Ensure integrated monitoring activities are part of the SEAs' general supervision system and support the ability to review and evaluate an LEA's implementation of IDEA with a particular emphasis on improved educational results and functional outcomes, and compliance with IDEA requirements; and

(C) Support advancing educational equity within State general supervision systems to include analyzing disaggregated data and examining policies and practices in the system to identify disparities and develop and implement an action plan to address identified disparities;

(ii) The proposed approach to universal, general TA,[7] which must describe—

(A) The intended recipients, including the type and number of recipients, that will receive the products and services; the products and services that the project proposes to make available;

(B) The development and maintenance of a high-quality website, with an easy-to-navigate design, that meets or exceeds government- or industry-recognized standards for accessibility; and

(C) The expected reach and impact of universal, general TA;

(iii) The proposed approach to targeted, specialized TA,[8] which must describe—

(A) The intended recipients, including the type and number of recipients, that will receive the products and services;

(B) The products and services that the project proposes to make available;

(C) The proposed approach to measure the readiness of potential TA recipients to work with the project, including, at a minimum, an assessment of potential recipients' current infrastructure, available resources, and ability to build capacity at the local level;

(D) The project's proposed approach to assist SEAs with aligning general supervision components to current State initiatives, strategic planning, and priorities for alignment;

(E) The project's proposed approach to establish and convene ad-hoc cohorts of States experiencing similar issues to assist with providing differentiated problem-solving and the sharing of innovative and promising approaches;

(F) How to best support SEAs, with the understanding that each State is a unique complex system, with differing infrastructures, State priorities, capacity challenges, and political environments; and

(G) The expected impact of targeted, specialized TA;

(iv) The proposed approach to intensive, sustained TA,[9] which must describe—

(A) The intended recipients, including the type and number of recipients, that will receive the products and services, a description of the products and services that the Center proposes to make available, and the expected impact of those products and services under this approach;

(B) The proposed approach to measure the readiness of the SEAs to work with the project, including their commitment, alignment to their needs, current infrastructure, available resources, and ability to build capacity at the LEA level;

(C) Its proposed plan to prioritize TA recipients whose most recent annual determination by the Secretary was that the State needs intervention under section 616(d)(2)(A)(iii) of IDEA or

[7] ''Universal, general TA'' means TA and information provided to independent users through their own initiative, resulting in minimal interaction with TA project staff and including one-time, invited or offered conference presentations by TA project staff. This category of TA also includes information or products, such as newsletters, guidebooks, or research syntheses, downloaded from the TA project's website by independent users. Brief communications by TA project staff with recipients, either by telephone or email, are also considered universal, general TA.

[8] ''Targeted, specialized TA'' means TA services based on needs common to multiple recipients and not extensively individualized. A relationship is established between the TA recipient and one or more TA project staff. This category of TA includes one-time, labor-intensive events, such as facilitating strategic planning or hosting regional or national conferences. It can also include episodic, less labor-intensive events that extend over a period of time, such as facilitating a series of conference calls on single or multiple topics that are designed around the needs of the recipients. Facilitating communities of practice can also be considered targeted, specialized TA.

[9] ''Intensive, sustained TA'' means TA services often provided on-site and requiring a stable, ongoing relationship between the TA project staff and the TA recipient. ''TA services'' are defined as negotiated series of activities designed to reach a valued outcome. This category of TA should result in changes to policy, program, practice, or operations that support increased recipient capacity or improved outcomes at one or more systems levels.

needs substantial intervention under section 616(d)(2)(A)(iv) of IDEA in implementing the requirements of Part B of IDEA;

(D) Its proposed plan for assisting SEAs to build or enhance PD systems based on adult learning principles and that include sustained coaching; and

(E) Its proposed plan for working with appropriate levels of the education system (*e.g.,* SEAs, educational service agencies, LEAs, institutions of higher education (IHEs), educator preparation programs, other TA providers, parents, and families) to ensure that there is communication between each level and that there are systems in place to support implementation of EBPs;

(v) How the proposed project will intentionally engage families of children with disabilities and individuals with disabilities—including underserved families [10] and individuals—in the development, implementation, and evaluation of its products and services across all levels of TA; and

(vi) How the proposed project will use non-project resources to achieve the intended project outcomes;

(6) Develop products and implement services that maximize efficiency. To address this requirement, the applicant must describe—

(i) How the proposed project will use technology to achieve the intended project outcomes;

(ii) How the proposed project will collaborate with other federally funded TA centers, including, at a minimum, the Office of Elementary and Secondary Education (OESE) National and Regional Comprehensive Centers, OSEP Parent Centers and OESE Statewide Family Engagement Centers, the National Center for Supporting School Building and Early Intervention Program Administrators to Effectively Implement IDEA and Improve Systems Serving Children with Disabilities, the Center for IDEA Fiscal Reporting, and national organizations, as appropriate, to develop and implement targeted TA strategies, reduce duplication of effort, and assist with coordination of TA efforts across multiple TA Centers supporting States; and

(iii) How the proposed project will use non-project resources to achieve the intended project outcomes;

(7) Systematically disseminate information, products, and services to varied intended audiences. To address this requirement the applicant must describe—

(i) The variety of dissemination strategies the project will use throughout the five years of the project to promote awareness and use of its products and services;

(ii) How the project will tailor dissemination strategies across all planned levels of TA to ensure that products and services reach intended recipients, and those recipients can access and use those products and services;

(iii) How the project's dissemination plan is connected to the proposed outcomes of the project; and

(iv) How the project will evaluate and correct, as needed, all digital products and external communications to ensure they meet or exceed government or industry-recognized standards for accessibility.

(c) In the narrative section of the application under ''Quality of the project evaluation,'' include an evaluation plan for the project as described in the following paragraphs. The evaluation plan must describe measures of progress in implementation, including the criteria for determining the extent to which the project's products and services have met the goals for reaching its target population; measures of intended outcomes or results of the project's activities in order to evaluate those activities; and how well the goals or objectives of the proposed project, as described in its logic model, have been met.

The applicant must provide an assurance that, in designing the evaluation plan, it will—

(1) Designate, with the approval of the OSEP project officer, a project liaison with sufficient dedicated time, experience in evaluation, and knowledge of the project to work in collaboration with the Center to Improve Program and Project Performance (CIPP),[11] the project director, and the OSEP project officer on the following tasks:

(i) Revise the logic model submitted in the application, as appropriate, to provide for a more comprehensive measurement of implementation and outcomes and to reflect any changes or clarifications to the model discussed at the kick-off meeting;

(ii) Refine the evaluation design and instrumentation proposed in the application, as appropriate, to be consistent with the revised logic model and using the most rigorous design suitable (*e.g.,* prepare evaluation questions about significant program processes and outcomes; develop quantitative or qualitative data collections that permit both the collection of progress data, including fidelity of implementation, as appropriate, and the assessment of project outcomes; and identify analytic strategies); and

(iii) Revise the evaluation plan submitted in the application such that it clearly—

(A) Specifies the evaluation questions, measures, and associated instruments or sources for data appropriate to answer these questions, suggests analytic strategies for those data, provides a timeline for conducting the evaluation, and includes staff assignments for completing the evaluation activities;

(B) Delineates the data expected to be available by the end of the second project year for use during the project's evaluation (3+2 review) for continued funding described under the heading *Fourth and Fifth Years of the Project;* and

(C) Can be used to assist the project director and the OSEP project officer, with the assistance of CIPP, as needed, in specifying the project performance measures to be addressed in the project's annual performance report (APR);

(2) Dedicate sufficient staff time and other resources during the first six months of the project to collaborate with CIPP staff, including regular meetings (*e.g.,* weekly, biweekly, or monthly) with CIPP and the OSEP project officer, in order to accomplish the tasks described in paragraph (C)(1) of this section; and

(3) Dedicate sufficient funds in each budget year to cover the costs of carrying out the tasks described in paragraphs (C)(1) and (2) of this section and revising and implementing the evaluation plan. Please note in your budget narrative the funds dedicated for this activity.

[10] For the purposes of this priority, ''underserved families'' refers to foster, kinship, migrant, technologically unconnected, and military- or veteran-connected families; and families of color, living in poverty, without documentation of immigration status, experiencing homelessness or housing insecurity, or impacted by the justice system, including the juvenile justice system. Underserved families also refers to families that include: members of a federally or State recognized Indian Tribe; English learners; adults who experience a disability; members who are lesbian, gay, bisexual, transgender, queer or questioning, or intersex (LGBTQI+); adults in need of improving their basic skills or with limited literacy; and disconnected adults.

[11] The major tasks of CIPP are to guide, coordinate, and oversee the design of formative evaluations for every large discretionary investment (*i.e.,* those awarded $500,000 or more per year and required to participate in the 3+2 process) in OSEP's Technical Assistance and Dissemination; Personnel Development; Parent Training and Information Centers; and Educational Technology, Media, and Materials programs. The efforts of CIPP are expected to enhance individual project evaluation plans by providing expert and unbiased TA in designing the evaluations with due consideration of the project's budget. CIPP does not function as a third-party evaluator.

(d) Demonstrate, in the narrative section of the application under ''Adequacy of resources and quality of project personnel,'' how—

(1) The proposed project will encourage applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability, as appropriate;

(2) The proposed key project personnel, consultants, and subcontractors have the qualifications and experience to carry out the proposed activities and achieve the project's intended outcomes;

(3) The applicant and any key partners have adequate resources to carry out the proposed activities;

(4) The proposed project will have processes, resources, and funds in place to provide equitable access for project staff, contractors, and partners, who require digital accessibility accommodations; [12] and

(5) The proposed costs are reasonable in relation to the anticipated results and benefits.

(e) Demonstrate, in the narrative section of the application under ''Quality of the management plan,'' how—

(1) The proposed management plan will ensure that the project's intended outcomes will be achieved on time and within budget. To address this requirement, the applicant must describe—

(i) Clearly defined responsibilities for key project personnel, consultants, and subcontractors, as applicable; and

(ii) Timelines and milestones for accomplishing the project tasks;

(2) Key project personnel and any consultants and subcontractors will be allocated and how these allocations are appropriate and adequate to achieve the project's intended outcomes;

(3) The proposed management plan will ensure that the products and services provided are of high quality, relevant, and useful to recipients; and

(4) The proposed project will benefit from a diversity of perspectives, including those of families, educators, TA providers, researchers, and policy makers, among others, in its development and operation.

(f) Address the following application requirements. The applicant must—

(1) Include, in Appendix A, personnel-loading charts and timelines, as applicable, to illustrate the management plan described in the narrative;

(2) Include, in the budget, attendance at the following:

(i) A one and one-half day kick-off meeting in Washington, DC, after receipt of the award, and an annual planning meeting in Washington, DC, with the OSEP project officer and other relevant staff during each subsequent year of the project period;

Note: Within 30 days of receipt of the award, a post-award teleconference must be held between the OSEP project officer and the grantee's project director or other authorized representative.

(ii) A three-day project directors' conference in Washington, DC, during each year of the project period. The project must reallocate funds for travel to the project directors' conference no later than the end of the third quarter of each budget period if the meeting is conducted virtually;

(iii) Two annual two-day trips to attend Department briefings, Department-sponsored conferences, and other meetings, as requested by OSEP; and

(iv) A one-day intensive 3+2 review meeting in Washington, DC, during the second year of the project period;

(3) Include, in the budget, a line item for an annual set-aside of 5 percent of the grant amount to support emerging needs that are consistent with the proposed project's intended outcomes, as those needs are identified in consultation with, and approved by, the OSEP project officer. With approval from the OSEP project officer, the project must reallocate any remaining funds from this annual set-aside no later than the end of the third quarter of each budget period;

(4) Engage a racially, ethnically, and culturally diverse group of doctoral students or post-doctoral fellows, including those with disabilities and those who are multilingual, in the project to increase the number of future leaders in the field who are knowledgeable about effective State systems designed to support equitable outcomes for children and youth with disabilities and their families at the local level;

(5) Maintain a high-quality and language and disability accessible website;

(6) Ensure that annual project progress toward meeting project goals is posted on the project website; and

(7) Include, in Appendix A, an assurance to assist OSEP with the transfer of pertinent resources and products and to maintain the continuity of services to States during the transition to a new award at the end of this award period, as appropriate.

Fourth and Fifth Years of the Project

In deciding whether to continue funding the project for the fourth and fifth years, the Secretary will consider the requirements of 34 CFR 75.253(a), including—

(a) The recommendations of a 3+2 review team consisting of experts with knowledge and experience in TA and dissemination, systems change to support SEAs, family engagement, and research and evaluation. This review will be conducted during a one-day intensive meeting that will be held during the last half of the second year of the project period;

(b) The timeliness with which, and how well, the requirements of the negotiated cooperative agreement have been or are being met by the project; and

(c) The quality, relevance, and usefulness of the project's products and services and the extent to which the project's products and services are aligned with the project's objectives and likely to result in the project achieving its intended outcomes.

Under 34 CFR 75.253, the Secretary may reduce continuation awards or discontinue awards in any year of the project period for excessive carryover balances, a failure to make substantial progress, or has not maintained financial and administrative management systems that meet requirements in 2 CFR 200.302, Financial management, and § 200.303, Internal controls. The Department intends to closely monitor unobligated balances and substantial progress under this program and may reduce or discontinue funding accordingly.

References

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[12] For information about digital accessibility and accessibility standards from Section 508 of the Rehabilitation Act, visit *https://osepideasthatwork.org/resources-grantees/508-resources.*

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U.S. Department of Education, National Center for Education Statistics. (2022). *National assessment of educational progress* [Data file]. *www.nationsreportcard.gov/ndecore/xplore/nde.*

Waiver of Proposed Rulemaking: Under the Administrative Procedure Act (APA) (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed priorities. Section 681(d) of IDEA, however, makes the public comment requirements of the APA inapplicable to the priority in this notice.

Program Authority: 20 U.S.C. 1463 and 1481.

Note: Projects will be awarded and must be operated in a manner consistent with the nondiscrimination requirements contained in Federal civil rights laws.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian Tribes.

Note: The regulations in 34 CFR part 86 apply to IHEs only.

II. Award Information

Type of Award: Cooperative agreement.

Estimated Available Funds: The Administration has requested $55,345,000 for the Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities program for FY 2024, of which we intend to use an estimated $6,250,000 for this competition. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2025 from the list of unfunded applications from this competition.

Maximum Award: We will not make an award exceeding $6,250,000 for a single budget period of 12 months.

Estimated Number of Awards: 1.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* SEAs; LEAs, including public charter schools that operate as LEAs under State law; IHEs; other public agencies; private nonprofit organizations; freely associated States and outlying areas; Indian Tribes or Tribal organizations; and for-profit organizations.

2. a. *Cost Sharing or Matching:* This competition does not require cost sharing or matching.

b. *Indirect Cost Rate Information:* This program uses an unrestricted indirect cost rate. For more information regarding indirect costs, or to obtain a negotiated indirect cost rate, please see *www2.ed.gov/about/offices/list/ocfo/intro.html.*

c. *Administrative Cost Limitation:* This program does not include any program-specific limitation on administrative expenses. All administrative expenses must be reasonable and necessary and conform to Cost Principles described in 2 CFR part 200 subpart E of the Uniform Guidance.

3. *Subgrantees:* Under 34 CFR 75.708(b) and (c), a grantee under this competition may award subgrants—to directly carry out project activities described in its application—to the following types of entities: IHEs, nonprofit organizations suitable to carry out the activities proposed in the application, and other public agencies. The grantee may award subgrants to entities it has identified in an approved application or that it selects through a competition under procedures established by the grantee, consistent with 34 CFR 75.708(b)(2).

4. *Other General Requirements:*

(a) Recipients of funding under this competition must make positive efforts to employ and advance in employment qualified individuals with disabilities (see section 606 of IDEA).

(b) Applicants for, and recipients of, funding must, with respect to the aspects of their proposed project relating to the absolute priority, involve individuals with disabilities, or parents of individuals with disabilities ages birth through 26, in planning, implementing, and evaluating the project (see section 682(a)(1)(A) of IDEA).

IV. Application and Submission Information

1. *Application Submission Instructions:* Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 7, 2022 (87 FR 75045) and available at *www.federalregister.gov/d/2022-26554,* which contain requirements and information on how to submit an application.

2. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

3. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

4. *Recommended Page Limit:* The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to no more than 70 pages and (2) use the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double-space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, reference citations, and captions, as well as all text in charts, tables, figures, graphs, and screen shots.
- Use a font that is 12 point or larger.
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to the cover sheet; the budget section, including the narrative budget justification; the assurances and certifications; or the abstract (follow the guidance provided in the application package for completing the abstract), the table of contents, the list of priority requirements, the resumes, the reference list, the letters of support, or the appendices. However, the recommended page limit does apply to all of the application narrative,

including all text in charts, tables, figures, graphs, and screen shots.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 75.210 and are listed below:

(a) *Significance (10 points).*

(1) The Secretary considers the significance of the proposed project.

(2) In determining the significance of the proposed project, the Secretary considers the following factors:

(i) The extent to which specific gaps or weaknesses in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project, including the nature and magnitude of those gaps or weaknesses.

(ii) The importance or magnitude of the results or outcomes likely to be attained by the proposed project.

(b) *Quality of project services (35 points).*

(1) The Secretary considers the quality of the services to be provided by the proposed project.

(2) In determining the quality of the services to be provided by the proposed project, the Secretary considers the quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(3) In addition, the Secretary considers the following factors:

(i) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.

(ii) The extent to which there is a conceptual framework underlying the proposed research or demonstration activities and the quality of that framework.

(iii) The extent to which the services to be provided by the proposed project reflect up-to-date knowledge from research and effective practice.

(iv) The extent to which the training or professional development services to be provided by the proposed project are of sufficient quality, intensity, and duration to lead to improvements in practice among the recipients of those services.

(v) The extent to which the TA services to be provided by the proposed project involve the use of efficient strategies, including the use of technology, as appropriate, and the leveraging of non-project resources.

(c) *Quality of the project evaluation (20 points).*

(1) The Secretary considers the quality of the evaluation to be conducted of the proposed project.

(2) In determining the quality of the evaluation, the Secretary considers the following factors:

(i) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project.

(ii) The extent to which the methods of evaluation provide for examining the effectiveness of project implementation strategies.

(iii) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes.

(iv) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible.

(d) *Adequacy of resources and quality of project personnel (15 points).*

(1) The Secretary considers the adequacy of resources for the proposed project and the quality of the personnel who will carry out the proposed project.

(2) In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(3) In addition, the Secretary considers the following factors:

(i) The qualifications, including relevant training and experience, of the project director or principal investigator.

(ii) The qualifications, including relevant training and experience, of key project personnel.

(iii) The qualifications, including relevant training and experience, of project consultants or subcontractors.

(iv) The qualifications, including relevant training, experience, and independence, of the evaluator.

(v) The adequacy of support, including facilities, equipment, supplies, and other resources, from the applicant organization or the lead applicant organization.

(vi) The relevance and demonstrated commitment of each partner in the proposed project to the implementation and success of the project.

(vii) The extent to which the budget is adequate to support the proposed project.

(viii) The extent to which the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project.

(e) *Quality of the management plan (20 points).*

(1) The Secretary considers the quality of the management plan for the proposed project.

(2) In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(i) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(ii) The extent to which the time commitments of the project director and principal investigator and other key project personnel are appropriate and adequate to meet the objectives of the proposed project.

(iii) The adequacy of mechanisms for ensuring high-quality products and services from the proposed project.

(iv) How the applicant will ensure that a diversity of perspectives are brought to bear in the operation of the proposed project, including those of parents, teachers, the business community, a variety of disciplinary and professional fields, recipients or beneficiaries of services, or others, as appropriate.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Additional Review and Selection Process Factors:* In the past, the Department has had difficulty finding peer reviewers for certain competitions because so many individuals who are eligible to serve as peer reviewers have conflicts of interest. The standing panel requirements under section 682(b) of IDEA also have placed additional constraints on the availability of

reviewers. Therefore, the Department has determined that for some discretionary grant competitions, applications may be separated into two or more groups and ranked and selected for funding within specific groups. This procedure will make it easier for the Department to find peer reviewers by ensuring that greater numbers of individuals who are eligible to serve as reviewers for any particular group of applicants will not have conflicts of interest. It also will increase the quality, independence, and fairness of the review process, while permitting panel members to review applications under discretionary grant competitions for which they also have submitted applications.

4. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.206, before awarding grants under this competition the Department conducts a review of the risks posed by applicants. Under 2 CFR 200.208, the Secretary may impose specific conditions, and under 2 CFR 3474.10, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

5. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $250,000), under 2 CFR 200.206(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

6. *In General:* In accordance with the Office of Management and Budget's guidance located at 2 CFR part 200, all applicable Federal laws, and relevant Executive guidance, the Department will review and consider applications for funding pursuant to this notice inviting applications in accordance with:

(a) Selecting recipients most likely to be successful in delivering results based on the program objectives through an objective process of evaluating Federal award applications (2 CFR 200.205);

(b) Prohibiting the purchase of certain telecommunication and video surveillance services or equipment in alignment with section 889 of the National Defense Authorization Act of 2019 (Pub. L. 115–232) (2 CFR 200.216);

(c) Providing a preference, to the extent permitted by law, to maximize use of goods, products, and materials produced in the United States (2 CFR 200.322); and

(d) Terminating agreements in whole or in part to the greatest extent authorized by law if an award no longer effectuates the program goals or agency priorities (2 CFR 200.340).

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Open Licensing Requirements:* Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works.

Additionally, a grantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements please refer to 2 CFR 3474.20.

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an APR that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

5. *Performance Measures:* For the purposes of Department reporting under 34 CFR 75.110, we have established a set of performance measures, including long-term measures, that are designed to yield information on various aspects of the effectiveness and quality of the Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities program. These measures are:

- Program Performance Measure #1: The percentage of Technical Assistance and Dissemination products and services deemed to be of high quality by an independent review panel of experts qualified to review the substantive content of the products and services.
- Program Performance Measure #2: The percentage of Special Education Technical Assistance and Dissemination products and services deemed by an independent review panel of qualified experts to be of high relevance to educational and early intervention policy or practice.
- Program Performance Measure #3: The percentage of all Special Education Technical Assistance and Dissemination products and services deemed by an

independent review panel of qualified experts to be useful in improving educational or early intervention policy or practice.

• Program Performance Measure #4: The cost efficiency of the Technical Assistance and Dissemination Program includes the percentage of milestones achieved in the current APR period and the percentage of funds spent during the current fiscal year.

• Long-term Program Performance Measure: The percentage of States receiving Special Education Technical Assistance and Dissemination services regarding scientifically or evidence-based practices for infants, toddlers, children, and youth with disabilities that successfully promote the implementation of those practices in school districts and service agencies.

The measures apply to projects funded under this competition, and grantees are required to submit data on these measures as directed by OSEP.

Grantees will be required to report information on their project's performance in annual and final performance reports to the Department (34 CFR 75.590).

The Department will also closely monitor the extent to which the products and services provided by the project meet needs identified by stakeholders and may require the project to report on such alignment in its annual and final performance reports.

6. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, whether the grantee has made substantial progress in achieving the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document and a copy of the application package in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Glenna Wright-Gallo,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2024–05979 Filed 3–20–24; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Bonneville Power Administration

Provider of Choice Policy and Record of Decision

AGENCY: Bonneville Power Administration (Bonneville), Department of Energy (DOE).

ACTION: Notice of policy and record of decision.

SUMMARY: Bonneville released its Provider of Choice Policy (Policy), which addresses the Agency's regional firm power sales policy for fiscal year 2029 through fiscal year 2044. The Policy will shape Bonneville's long-term power sales contracts following the expiration of current long-term Regional Dialogue contracts on September 30, 2028. The Policy describes the Agency's products and service offerings for the next contract period and how the Agency proposes to distribute the costs and benefits from its system of Federal resources, which includes the Federal Columbia River Power System, the Columbia Generating Station, as well as non-Federal resources. Alongside the Policy, Bonneville released a record of decision.

DATES: On March 20, 2024, John Hairston, Administrator and Chief Executive Officer of the Bonneville Power Administration signed the Provider of Choice Record of Decision.

ADDRESSES: The Provider of Choice Policy and Record of Decision are available on the Bonneville website at *https://www.bpa.gov/energy-and-services/power.* Copies are also available by contacting the Bonneville Public Information Center at 1–800–622–4520.

FOR FURTHER INFORMATION CONTACT: David Wilson, DK–7, BPA Communications, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208; by phone toll-free at 1–800–622–4519; or by email to *communications@bpa.gov.*

Responsible Official: Kim Thompson, Vice President for Northwest Requirements Marketing is the official responsible for the development of Provider of Choice Policy and contracts.

SUPPLEMENTARY INFORMATION: The Provider of Choice Policy's (Policy) primary focus is setting the framework for sales of electric power pursuant to section 5(b) of the Northwest Power Act to public power utilities and Federal agencies that qualify for service at a Priority Firm (PF) power rate. The Policy addresses at a high-level how Bonneville would serve other qualified customers but many of the details are specific to PF-service. The Policy addresses how Bonneville will determine its load obligations and outlines proposed products and services.

Bonneville released a draft Policy on July 20, 2023. Bonneville published a notice in the **Federal Register** on July 24, 2023, and opened a public comment period from July 20, 2023, to October 13, 2023. 88 FR 47487. Bonneville received over 16,850 comments, the vast majority of which were form letters or variations of the form letter submission. Bonneville reviewed these comments and documented its deliberations in a record of decision that explains what changes were made as well as which commenter proposals were not adopted in the Policy. Bonneville's Policy reflects changes made based on the comments received.

The Policy establishes Bonneville decision to develop contracts based on a tiered PF rate construct for the Provider of Choice contract period. The tiered rate construct sets a framework for an allocation of costs, not an allocation of power. Under the two-tier rate design and Provider of Choice contracts, customers will be entitled to

purchase firm power to serve PF-eligible load up to a contractually defined amount, referred to as the customer's Contract High Water Mark (CHWM), at the applicable PF Tier 1 rate. Customers may also purchase firm power for any PF-eligible load above a customer's CHWM, referred to as the customer's Above-Contract High Water Mark (Above-CHWM) load. A customer may elect to serve their Above-CHWM load either with firm power from Bonneville at a PF Tier 2 rate, from its own dedicated resources, or both. The specific terms and provisions of the tiered rate construct will be established in the 2029 Public Rate Design Methodology (PRDM), which will be determined in a separate process.

In the Policy, Bonneville establishes how it will calculate Provider of Choice CHWMs. The calculation recognizes customer investments in conservation and non-Federal resources in support of the prior long-term Regional Dialogue Policy and contracts. The calculation also adjusts CHWMs in recognition of certain circumstance relative to the changing energy landscape and customers' needs. Bonneville will not revisit the calculation in a future process or in the Provider of Choice contracts.

One of the Policy's goals is to offer customers flexibility to invest in and use non-Federal resources to serve their retail load growth needs. Bonneville balances the flexibility offered with the tiered rates foundational tenet to insulate customers from costs associated with other customers' resource choices for serving load growth. Bonneville offers several carefully constructed non-Federal resource flexibilities to provide customers with opportunities to invest in non-Federal resources while limiting the cost impact to other customers.

Under the Policy, Bonneville recognizes the need for added flexibility around customers' non-Federal resources and permits customers to add a defined amount of non-Federal resources to offset their CHWM load. This will reduce the amount of power a customer is obligated to purchase from Bonneville without triggering take-or-pay provisions and without reduction to the customer's associated CHWM. Bonneville will also not track non-Federal resources with a nameplate capacity of less than one MW in the contract. Customers will retain the ability to serve their Above-CHWM load with non-Federal resources. Finally, Bonneville will continue to propose to recover the cost of a limited amount of transfer service in the PF Tier 1 rate for non-Federal resources for its customers that are served off third-party transmission systems.

The Policy addresses why Bonneville cannot offer a 100% carbon-free product at this time. Bonneville addresses some of the barriers to offering such a product and commits to continuing to look for ways to further improve its nearly carbon-free emissions rate. The Policy also addresses how Bonneville is proposing to approach its conservation (energy efficiency) program after Oct. 1, 2028.

The Policy does not address how the products and services described will be priced. Bonneville has started the PRDM process to discuss rate designs and pricing. The PRDM will replace Bonneville's Tiered Rate Methodology that expires on Sept. 30, 2028. The PRDM and subsequent Northwest Power Act section 7(i) rate proceedings will determine rates for the products and services offered under the Provider of Choice contracts.

Following the Policy release, Bonneville will initiate a follow-on process to implement the Policy through negotiation and development of contracts with the goal to offer and execute new long-term contracts by late 2025. Bonneville will additionally update other business processes to ensure implementation of the Policy, including the PRDM. Bonneville will use the time between contract execution and the start of power deliveries on Oct. 1, 2028, to ready systems to ensure a smooth transition between contracts.

Signing Authority: This document of the Department of Energy was signed on March 12, 2024, by John Hairston, Administrator and Chief Executive Officer of the Bonneville Power Administration, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by the Department of Energy. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned Department of Energy Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on March 13, 2024.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2024–05681 Filed 3–20–24; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 6440–010]

Lakeport Hydroelectric One, LLC and New Hampshire Department of Environmental Services; Notice of Reasonable Period of Time for Water Quality Certification Application

On March 5, 2024, Lakeport Hydroelectric One, LLC (Lakeport) and New Hampshire Department of Environmental Services (New Hampshire DES) (collectively, co-applicants) filed with the Federal Energy Regulatory Commission (Commission) a letter received from the New Hampshire DES—Watershed Management Bureau verifying receipt of a complete request for a Clean Water Act section 401(a)(1) water quality certification from the co-applicants, in conjunction with the above captioned project, on March 4, 2024. Pursuant to section 4.34(b)(5) of the Commission's regulations,[1] we hereby notify the New Hampshire DES—Watershed Management Bureau of the following:

Date of Receipt of the Certification Request: March 4, 2024.

Reasonable Period of Time to Act on the Certification Request: One year, March 4, 2025.

If the New Hampshire DES—Watershed Management Bureau fails or refuses to act on the water quality certification request on or before the above date, then the certifying authority is deemed waived pursuant to section 401(a)(1) of the Clean Water Act, 33 U.S.C. 1341(a)(1).

Dated: March 15, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–06036 Filed 3–20–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3451–047]

Beaver Falls Municipal Authority; Notice of Scoping Meetings and Environmental Site Review and Soliciting Scoping Comments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

[1] 18 CFR [4.34(b)(5)/5.23(b)/153.4/157.22].

a. *Type of Application:* New Major License.

b. *Project No.:* 3451–047.

c. *Date filed:* August 1, 2022.[1]

d. *Applicant:* Beaver Falls Municipal Authority.

e. *Name of Project:* Townsend Water Power Project (Townsend Project or project).

f. *Location:* On the Beaver River, in the Borough of New Brighton in Beaver County, Pennsylvania.

g. *Filed Pursuant to*: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* James Riggio, General Manager, Beaver Falls Municipal Authority, P.O. Box 400, Beaver Falls, PA 15010; (724) 846–2400.

i. *FERC Contact:* Claire Rozdilski at (202) 502–8259; or email at *claire.rozdilski@ferc.gov.*

j. *Deadline for filing scoping comments:* May 17, 2024.

The Commission strongly encourages electronic filing. Please file scoping comments using the Commission's eFiling system at *https://ferconline.ferc.gov/FERCOnline.aspx.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *https://ferconline.ferc.gov/QuickComment.aspx.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy via U.S. Postal Service to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. All filings must clearly identify the project name and docket number on the first page: Townsend Water Power Project (P–3451–047).

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application is not ready for environmental analysis at this time.

l. The Townsend Project includes: (1) a 450-foot-long and 13-foot-high dam, constructed of rock-filled timber cribs encased in concrete, with a 350-foot-long spillway and an average dam crest elevation of 698.63 feet National Geodetic Vertical Datum of 1929 (NGVD29); (2) an approximately 25-acre reservoir with a gross storage capacity of 200 acre-feet at normal pool elevation of 698.78 feet NGVD29; (3) a short entrance channel excavated in rock near the left dam abutment that directs water to an intake structure with two 17-foot-wide trashracks with 5-inch clear bar spacing; (4) a 52-foot-long by 46-foot-wide concrete powerhouse; (5) two double-regulated open-pit type turbine-generator units each rated at 2,500 kilowatts (kW) for a total installed capacity of 5 megawatts; (6) an approximately 230-foot-long tailrace, excavated in rock at a normal tailwater elevation of 681.17 feet NGVD29; (7) a 500-foot-long, 23-kilovolt (kV) transmission line owned by Duquesne Light Company; (8) 4.16-kV generator leads, a 60-foot-long section of 5-kV underground cable leading to a 5-megavolt-ampere, 4.16/23-kV step-up transformer in an outdoor substation; and (9) appurtenant facilities. The average annual generation was 19,524 megawatt-hours for the period from 2015 to 2019.

The Townsend Project operates in a run-of-river mode with a continuous minimum flow of 304 cubic feet per second (cfs), or inflow, whichever is less conveyed to the bypassed reach. Because the minimum hydraulic capacity for operating a single unit is 600 cfs, the minimum river flow needed for project operation is 904 cfs (304 cfs plus 600 cfs). There is minimal to no available usable storage behind the dam and if river flow is less than 904 cfs, all water is spilled over the dam. The project is typically operated automatically, but manual operation may occur during high-water events. The project is returned to automatic operation when flow decreases.

m. Copies of the application can be viewed on the Commission's website at *https://www.ferc.gov,* using the ''eLibrary'' link. Enter the project's docket number, excluding the last three digits in the docket number field, to access the document. For assistance, contact FERC Online Support.

You may also register at *https://ferconline.ferc.gov/FERCOnline.aspx* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, please contact FERC Online Support at *FERCOnlineSupport@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 at *OPP@ferc.gov.*

n. *Scoping Process:* Pursuant to the National Environmental Policy Act (NEPA), Commission staff intends to prepare either an environmental assessment (EA) or an environmental impact statement (EIS) (collectively referred to as the ''NEPA document'') that describes and evaluates the probable effects, including an assessment of the site-specific and cumulative effects, if any, of the proposed action and alternatives. The Commission's scoping process will help determine the required level of analysis and satisfy the NEPA scoping requirements, irrespective of whether the Commission issues an EA or an EIS.

Scoping Meetings

Commission staff will hold two public scoping meetings and an environmental site review in the vicinity of the project to receive input on the scope of the NEPA document. An evening meeting will focus on receiving input from the public and a daytime meeting will focus on the concerns of resource agencies, non-governmental organizations (NGOs), and Indian Tribes. We invite all interested agencies, Indian Tribes, NGOs, and individuals to attend one or both meetings. The times and locations of these meetings are as follows:

Evening Scoping Meeting

Date: Tuesday, April 16, 2024
Time: 7:00 p.m. EDT
Place: Hampton Inn Pittsburgh Area—Beaver Valley
Address: 202 Fairview Drive, Monaca, PA 15061

Daytime Scoping Meeting

Date: Wednesday, April 17, 2024
Time: 1:00 p.m. EDT
Place: Hampton Inn Pittsburgh Area—Beaver Valley

[1] The Commission's Rules of Practice and Procedure provide that if a deadline falls on a Saturday, Sunday, holiday, or other day when the Commission is closed for business, the deadline does not end until the close of business on the next business day. 18 CFR 385.2007(a)(2). Because the deadline for filing a license application fell on a Sunday (*i.e.,* July 31, 2022), the deadline was extended until the close of business on Monday, August 1, 2022.

Address: 202 Fairview Drive, Monaca, PA 15061

Copies of the Scoping Document (SD1) outlining the subject areas to be addressed in the NEPA document were distributed to the parties on the Commission's mailing list. Copies of the SD1 will be available at the scoping meeting or may be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link (see item m above).

Environmental Site Review

The applicant and Commission staff will conduct an environmental site review of the project. All interested individuals, agencies, Indian Tribes, and NGOs are invited to attend. All participants are responsible for their own transportation to the site. Please RSVP via email to Laura Cowen at *laura.cowen@kleinschmidtgroup.com* or by phone at (717) 983–4056 if you plan to attend the environmental site review. The time and location of the environmental site review is as follows:

Date: Wednesday, April 17, 2024

Time: 9:00 a.m. EDT

Place: Townsend Water Power Project Station Entrance

Address: 900 1st Avenue, New Brighton, PA 15066

All persons attending the environmental site review must adhere to the following requirements: (1) all persons must wear sturdy, closed-toe shoes or boots; (2) persons with open-toed shoes/sandals/flip flops/high heels, etc. will not be allowed on the environmental site review; (3) persons must be 18 years or older; (4) no photography will be allowed inside the powerhouse; (5) no weapons are allowed on-site; (6) no alcohol/drugs are allowed on-site (or persons exhibiting the effects thereof); and (7) no animals (except for service animals) are allowed on the environmental site review.

Objectives

At the scoping meetings, Commission staff will: (1) summarize the environmental issues tentatively identified for analysis in the NEPA document; (2) solicit from the meeting participants all available information, especially quantifiable data, on the resources at issue; (3) encourage statements from experts and the public on issues that should be analyzed in the NEPA document, including viewpoints in opposition to, or in support of, the staff's preliminary views; (4) determine the resource issues to be addressed in the NEPA document; and (5) identify those issues that require a detailed analysis, as well as those issues that do not require a detailed analysis.

Procedures

The meetings are recorded by a stenographer and become part of the formal record of the Commission proceeding on the project. Individuals, NGOs, Indian Tribes, and agencies with environmental expertise and concerns are encouraged to attend the meeting and to assist the staff in defining and clarifying the issues to be addressed in the NEPA document.

Dated: March 15, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–06043 Filed 3–20–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER24–1271–000]

Alton Post Office Solar, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

Correction

In notice document 2024–03918 beginning on page 14473 in the issue of Tuesday, February 27, 2024, make the following correction:

On page 14473, the document heading should read as set forth above.

[FR Doc. C1–2024–03918 Filed 3–20–24; 8:45 am]

BILLING CODE 0099–10–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP23–501–000]

Port Arthur LNG, LLC and Port Arthur LNG Common Facilities Company; Notice of Availability of the Environmental Assessment for the Proposed Port Arthur Liquefaction Project Amendment

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the Port Arthur Liquefaction Project Amendment (Amendment), proposed by Port Arthur LNG, LLC and Port Arthur LNG Common Facilities Company, LLC (collectively PALNG) in the above-referenced docket.

PALNG proposes to increase the peak construction workforce from its currently authorized workforce of 3,000 personnel up to 6,000 personnel per day at the PALNG Terminal site in Jefferson County, Texas. In addition, PALNG would implement a 24-hour-per-day construction schedule for the remaining construction period at the site. The proposed Amendment includes the 24-hour use of six previously approved park-and-ride lots and one new park-and-ride location.

The EA assesses the potential environmental effects of the Amendment in accordance with the requirements of the National Environmental Policy Act. The EA incorporates by reference the Commission staff's January 2019 Final Environmental Impact Statement issued in Docket No. CP17–20–000 for the Port Arthur Liquefaction Project, and the Commission's findings and conclusions in its corresponding April 18, 2019 Order. Commission staff concludes that approval of the proposed Amendment, 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; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; and newspapers and libraries in the project area. The EA is only available in electronic format. It may be viewed and downloaded from the FERC's website (*www.ferc.gov*), 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.,* CP23–501). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

The 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 April 15, 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.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the *eComment* feature on the Commission's website (*www.ferc.gov*) under the link to *FERC Online.* This is an easy method for submitting brief, text-only comments on a project;

(2) You can also file your comments electronically using the *eFiling* feature on the Commission's website (*www.ferc.gov*) under the link to *FERC Online.* With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister.*'' You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (CP23–501–000) 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, MD 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 Amendment is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website (*www.ferc.gov*) using the *eLibrary* link. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

Dated: March 15, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–06038 Filed 3–20–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AC24–32–000]

Empire Pipeline, Inc.; Notice of Filing

Take notice that on March 15, 2024, Empire Pipeline, Inc. submitted a request for waiver of the Federal Energy Regulatory Commission's (Commission) requirement to provide its certified public accountant (CPA) certification statement for the 2023 FERC Form No. 2 on the basis of the calendar year ending December 31.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document.

The Commission strongly encourages electronic filings of comments, protests, and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* In lieu of electronic filing, you may submit a paper copy which must reference the Project docket number.

To file via USPS: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other courier: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Comment Date: 5:00 p.m. Eastern Time on April 1, 2024.

Dated: March 15, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–06040 Filed 3–20–24; 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: EG24–134–000.

Applicants: KCE TX 15, LLC.

Description: KCE TX 15, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 3/14/24.
Accession Number: 20240314–5172.
Comment Date: 5 p.m. ET 4/4/24.
Docket Numbers: EG24–135–000.
Applicants: KCE TX 10, LLC.
Description: KCE TX 10, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 3/14/24.
Accession Number: 20240314–5173.
Comment Date: 5 p.m. ET 4/4/24.

Take notice that the Commission received the following Complaints and Compliance filings in EL Dockets:

Docket Numbers: EL24–89–000.
Applicants: NV Energy v. *California Independent System Operator Corporation.*
Description: Complaint of NV Energy v. *California Independent System Operator Corporation.*
Filed Date: 3/15/24.
Accession Number: 20240315–5038.
Comment Date: 5 p.m. ET 4/4/24.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER24–1497–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 4233 OG&E and NextEra Energy Transmission Southwest Int Agr to be effective 5/31/2024.
Filed Date: 3/15/24.
Accession Number: 20240315–5007.
Comment Date: 5 p.m. ET 4/5/24.
Docket Numbers: ER24–1498–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to WMPA No. 5997 AF1–249 (mcd) to be effective 5/14/2024.
Filed Date: 3/15/24.
Accession Number: 20240315–5044.
Comment Date: 5 p.m. ET 4/5/24.
Docket Numbers: ER24–1499–000.
Applicants: Entergy Services, LLC, Entergy Arkansas, LLC, Entergy Louisiana, LLC, Entergy Mississippi, LLC, Entergy New Orleans, LLC, Entergy Texas, Inc.
Description: § 205(d) Rate Filing: Entergy Services, LLC submits tariff filing per 35.13(a)(2)(iii: MSS–4R Amendment to Include and Allocate NOL ADIT for EAL to be effective 5/14/2024.
Filed Date: 3/15/24.
Accession Number: 20240315–5059.
Comment Date: 5 p.m. ET 4/5/24.
Docket Numbers: ER24–1507–000.
Applicants: FirstEnergy Service Company, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: FirstEnergy Service Company submits tariff filing per 35.13(a)(2)(iii: FirstEnergy Service Co. submits one Construction Agreement SA No. 6633 to be effective 5/15/2024.
Filed Date: 3/15/24.
Accession Number: 20240315–5112.
Comment Date: 5 p.m. ET 4/5/24.
Docket Numbers: ER24–1509–000.
Applicants: Idaho Power Company.
Description: § 205(d) Rate Filing: Third Revised Service Agreements 324 and 342 to be effective 7/1/2024.
Filed Date: 3/15/24.
Accession Number: 20240315–5120.
Comment Date: 5 p.m. ET 4/5/24.
Docket Numbers: ER24–1510–000.
Applicants: Central Maine Power Company.
Description: Tariff Amendment: Notice of Termination of Engineering and Procurement Agreement with FPL Wyman to be effective 3/15/2024.
Filed Date: 3/15/24.
Accession Number: 20240315–5127.
Comment Date: 5 p.m. ET 4/5/24.
Docket Numbers: ER24–1513–000.
Applicants: Pacific Gas and Electric Company.
Description: § 205(d) Rate Filing: North of Mesa Abandoned Transmission Plant Cost Recovery Request—TO21 to be effective 5/15/2024.
Filed Date: 3/15/24.
Accession Number: 20240315–5180.
Comment Date: 5 p.m. ET 4/5/24.
Docket Numbers: ER24–1516–000.
Applicants: Public Service Company of New Mexico.
Description: Baseline eTariff Filing: PNM Reserve Eenrgy Service Tariff—FERC Electric Tariff, Volume No. 9 to be effective 5/1/2024.
Filed Date: 3/15/24.
Accession Number: 20240315–5208.
Comment Date: 5 p.m. ET 4/5/24.
Docket Numbers: ER24–1518–000.
Applicants: Nevada Power Company.
Description: § 205(d) Rate Filing: Amendment to MBR Seller Category Designation Alternatively Request for Exemption to be effective 3/14/2024.
Filed Date: 3/15/24.
Accession Number: 20240315–5224.
Comment Date: 5 p.m. ET 4/5/24.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

Dated: March 15, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–06039 Filed 3–20–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP24–82–000]

Enable Gas Transmission, LLC; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on March 6, 2024, Enable Gas Transmission (EGT), 1300 Main Street, Houston, Texas 77002, filed in the above referenced docket, a prior notice request pursuant to sections 157.205 and 157.208 of the Commission's regulations under the Natural Gas Act (NGA), and EGT's blanket certificate issued in Docket Nos. CP82–384–000 and CP82–384–001, for authorization to decrease the Maximum Allowable Operating Pressure (MAOP) of a segment of its Line 10–1 Lateral located in Stephens County, Oklahoma (Line 10–1 Lateral MAOP Reduction Project). The project will allow EGT to maintain safe operation of its pipeline system and remain in compliance with the U.S. Department of Transportation's (DOT) regulations.[1] The estimated cost

[1] 49 CFR 192.619 and 49 CFR 192.624.

for the project is $5,000, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at 202–502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

Any questions concerning this request should be directed to Blair Lichtenwalter, Senior Director of Certificates, 1300 Main Street, Houston, Texas 7702, (713) 989–1205 or by email at *blair.lictenwalter@energytransfer.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 May 14, 2024. How to file protests, motions to intervene, and comments is explained below.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,[2] any person [3] 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,[4] and must be submitted by the protest deadline, which is May 14, 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 [5] and the regulations under the NGA [6] by the intervention deadline for the project, which is May 14, 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 May 14, 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 CP24–82–000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website (*www.ferc.gov)* under the link to Documents and Filings. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Protest'', ''Intervention'', or ''Comment on a Filing''; or [7]

(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 CP24–82–000.

To file via USPS: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other method: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

[2] 18 CFR 157.205.

[3] Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

[4] 18 CFR 157.205(e).

[5] 18 CFR 385.214.

[6] 18 CFR 157.10.

[7] Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission's website at *www.ferc.gov* under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Protests and motions to intervene must be served on the applicant either by mail or email (with a link to the document) at: Blair Lichtenwalter, Senior Director of Certificates, 1300 Main Street, Houston, Texas 7702 or by email at *blair.lictenwalter@energytransfer.com.* Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at *www.ferc.gov* using the ''eLibrary'' link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to *www.ferc.gov/docs-filing/esubscription.asp.*

Dated: March 15, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–06041 Filed 3–20–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2533–062]

Brainerd Public Utilities; Notice of Waiver of Water Quality Certification

On January 23, 2023, Brainerd Public Utilities filed an application for a license for the Brainerd Hydroelectric Project in the above captioned docket. On February 1, 2023, the Minnesota Pollution Control Agency (Minnesota PCA) received a complete request for a Clean Water Act section 401(a)(1) water quality certification from Brainerd Public Utilities in conjunction with the above captioned project.

On February 2, 2023, staff provided Minnesota PCA with written notice that the applicable reasonable period of time for it to act on the certification request was one (1) year from the date of receipt of the request, and that the certification requirement for the license would be waived if the certifying authority failed to act by February 1, 2024. Because Minnesota PCA did not act by February 1, 2024, we are notifying you pursuant to section 401(a)(1) of the Clean Water Act, 33 U.S.C. 1341(a)(1), that waiver of the certification requirement has occurred.

Dated: March 15, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–06044 Filed 3–20–24; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–11832–01–R9]

Reissuance of National Pollutant Discharge Elimination System (NPDES) General Permit for Low Threat Discharges in Navajo Nation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of final NPDES general permit.

SUMMARY: The Environmental Protection Agency (EPA), Region 9 is publishing this notice of availability of its final general NPDES permit (Permit No. NNG990001) for water discharges from facilities classified as low threat located in the Navajo Nation. Use of a general NPDES permit in the location described above allows EPA and dischargers to allocate resources in a more efficient manner, obtain timely permit coverage, and avoid issuing resource intensive individual permits to each facility, while simultaneously providing greater certainty and efficiency to the regulated community while ensuring consistent permit conditions for comparable facilities.

DATES: For purposes of judicial review the permit is considered issued on April 3, 2024. The final permit is effective on May 1, 2024.

ADDRESSES: The final general permit and other related documents in the administrative record are on file and may be inspected any time between 8:30 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays, at: U.S. EPA, Region 9, NPDES Permits Office (WTR–2–3), 75 Hawthorne Street, San Francisco, CA 94105–3901.

Copies of the final General Permit, Fact Sheet and Response to Public Comments are available at EPA, Region 9's website at *https://www.epa.gov/npdes-permits/npdes-permits-epas-pacific-southwest-region-9.* If there are issues accessing the website, please contact EPA via contact information below.

FOR FURTHER INFORMATION CONTACT: Gary Sheth, EPA Region 9, Water Division, NPDES Permits Office; telephone (415) 972–3516; email address: *sheth.gary@epa.gov.*

SUPPLEMENTARY INFORMATION:

A. Administrative Process

Public notice of EPA Region 9's tentative decision to issue the permit was published in the **Federal Register** on May 25, 2023 (88 FR 33876) and on EPA Region 9's website. The public comment period closed on June 26, 2023. Region 9 received written comments from one party concerning the proposed permit. Region 9 prepared a separate document (Response to Comments) which discusses these comments in more detail and Region 9's responses to the comments.

B. Changes From the Proposed Permit

The final permit contains two minor changes from the proposed permit; these are discussed here and in the final fact sheet. EPA added a specific email address for the New Mexico Environment Department for permittees to report discharges likely to leave Navajo Nation land and reach New Mexico waters. EPA also added a requirement for submitting all required Discharge Monitoring Reports (DMRs) before the finalization of a Notice of Termination.

C. Endangered Species Act Considerations

The ESA and its implementing regulations (50 CFR part 402) require EPA to ensure that any action authorize, funded or carried out by EPA is not likely to jeopardize the continued existence of any threatened or endangered species or adversely affect its critical habitat. EPA Region 9 concluded that the authorized discharges may affect, but are not likely to adversely affect listed species, and will not adversely affect critical habitat. EPA received a letter of concurrence on this finding from the United States Fish and Wildlife Service on January 10, 2024.

D. Permit Appeals Procedure

Within 120 days following the date the permit is considered issued for purposes of judicial review, any interested person may appeal the permit decision in the Federal Court of Appeals in accordance with section 509(b)(1) of the CWA. Persons affected by a general permit may not challenge the conditions of a general permit as a right in further Agency proceedings. Such person may instead challenge the general permit in court, or apply for an individual permit as specified at 40 CFR 122.21 (and authorized at 40 CFR 122.28), and then petition the Environmental Appeals Board to review any condition of the individual permit (40 CFR 124.19).

Authority: 33 U.S.C. 1251 *et seq.*

Tomás Torres,

Director, Water Division, EPA Region 9.

[FR Doc. 2024–05961 Filed 3–20–24; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2024–0114; FRL–11809–01–OCSPP]

1,1-Dichloroethane (1,1-DCA); Draft Risk Evaluation Under the Toxic Substances Control Act (TSCA); Letter Peer Review; Request for Nominations of Expert Reviewers

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA or the Agency) is seeking nominations of scientific and technical experts to review the draft risk evaluation for 1,1-dichloroethane (1,1-DCA) conducted under the Toxic Substances Control Act (TSCA). The Agency will release the draft risk evaluation for public review and comment in spring of 2024 through a separate **Federal Register** document and subsequently will provide the selected peer reviewers with the draft risk evaluation for letter peer review in the summer of 2024.

DATES: Submit your nominations on or before April 11, 2024.

ADDRESSES: Submit your nomination via email to *OCSPP-PeerReview@epa.gov.* Do not electronically submit any information you consider to be Confidential Business Information (CBI) or other information whose public disclosure is restricted by statute. If your nomination may contain any such information, please contact the Peer Review Leader to obtain special instructions before submitting that information.

FOR FURTHER INFORMATION CONTACT: The Peer Review Leader is Alie Muneer, Mission Support Division (7602M), Office of Program Support, Office of Chemical Safety and Pollution Prevention, Environmental Protection Agency; telephone number: (202) 564–6369 or call the main office at (202) 564–8450; email address: *muneer.alie@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. What action is the Agency taking?

The Agency is seeking public nominations of scientific and technical experts that the EPA can consider for service as experts for the letter peer review of the draft risk evaluation for 1,1-DCA. EPA will be soliciting comments from the experts on the approach and methodologies utilized in the draft risk evaluation. This document provides instructions for submitting such nominations for EPA to consider for the planned letter peer review. EPA will publish a separate document in the **Federal Register** in spring 2024 to announce the availability of the draft risk evaluation and solicit public comments. Comments received and the draft risk evaluation materials will be provided to the letter peer reviewers in the summer of 2024.

B. What is the Agency's authority for taking this action?

TSCA section 6(b) requires that EPA conduct risk evaluations on existing chemical substances and identifies the minimum components EPA must include in all chemical substance risk evaluations (15 U.S.C. 2605(b)). The risk evaluation must not consider costs or other non-risk factors (15 U.S.C. 2605(b)(4)(F)(iii)). The specific risk evaluation process is addressed in 40 CFR part 702 and summarized on EPA's website at *https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-evaluations-existing-chemicals-under-tsca.*

C. Does this action apply to me?

This action is directed to the public in general. This action may, however, be of interest to those involved in the manufacture, processing, distribution, and disposal of chemical substances and mixtures, and/or those interested in the assessment of risks involving chemical substances and mixtures regulated under TSCA. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

II. Nominations of Peer Reviewers

A. Why is EPA seeking nominations for peer reviewers?

EPA is requesting nominations from the public and stakeholder communities for scientific and technical experts who can serve as prospective candidates for letter peer reviews. This is part of a broader process for developing a pool of candidates. Interested persons or organizations can nominate qualified individuals by following the instructions provided in this document. Individuals are also welcome to self-nominate.

Those who are selected from the pool of prospective candidates will be asked to review the draft risk evaluation for 1,1-DCA and provide their individual comments to EPA.

B. What expertise is sought for this letter peer review?

Individuals nominated for this letter peer review should have expertise in one or more of the following areas:

1. Environmental hazard assessment expertise, specifically with experience in analog selection, predictive modeling, and uncertainty analysis.

2. Human health toxicology with expertise in cancer modes of action, reproductive toxicity and derivation of points of departure (PODs) and dose-response values using limited toxicity datasets.

3. Human health toxicology with expertise in the use of read across methodology, the identification of analog, and the application of read across software, such as OECD QSAR Toolbox, GenRA and CompTox.

4. Human exposure assessment experience, especially for industrial hygiene and occupational inhalation exposures, susceptible life stages and subpopulations to environmental contaminants.

5. Expertise in using EPA databases for contaminant concentration estimates in ambient air and/or surface water and sediments.

Nominees should be scientists who have sufficient professional qualifications, including training and experience, to be capable of providing expert comments on the scientific issues for this review.

C. How do I make a nomination?

By the deadline indicated under **DATES**, submit your nomination via email to the email identified in **ADDRESSES**. Each nomination should include the following: Contact

information for the person or entity making the nomination; name, affiliation, and contact information for the nominee; and the disciplinary and specific areas of expertise of the nominee.

D. Will peer reviewers be subjected to an ethics review?

Peer reviewers are subject to the provisions of the Standards of Ethical Conduct for Employees of the Executive Branch at 5 CFR part 2635, conflict of interest statutes in Title 18 of the United States Code and related regulations. In anticipation of this requirement, prospective candidates will be asked to submit confidential financial information which shall fully disclose, among other financial interests, the candidate's employment, stocks and bonds, and where applicable, sources of research support. EPA will evaluate the candidates' financial disclosure forms to assess whether there are financial conflicts of interest, appearance of a loss of impartiality, or any prior involvement with the development of the documents under consideration (including previous scientific peer review) before the candidate is considered further for service.

E. How will EPA select the peer reviewers?

The selection of scientists to serve as peer reviewers is based on the expertise needed to address the Agency's charge to the peer reviewers. No interested scientists shall be ineligible to serve by reason of their membership on any advisory committee to a federal department or agency or their employment by a federal department or agency, except EPA. Other factors considered during the selection process include availability of the prospective candidate to fully participate in the letter peer review, absence of any conflicts of interest or appearance of loss of impartiality, independence with respect to the matters under review, and lack of bias. Although financial conflicts of interest, the appearance of loss of impartiality, lack of independence, and bias may result in non-selection, the absence of such concerns does not assure that a candidate will be selected to serve as a peer reviewer.

Numerous qualified candidates are often identified for letter peer reviews. Therefore, selection decisions involve carefully weighing a number of factors including the candidates' areas of expertise and professional qualifications and achieving an overall balance of different scientific perspectives across peer reviewers. The Agency will consider all nominations of prospective candidates for service as peer reviewers that are received on or before the date listed in the **DATES** section of this document. However, the final selection of peer reviewers is a discretionary function of the Agency. At this time, EPA anticipates selecting approximately 10–12 peer reviewers for this letter peer review.

EPA plans to make a list of candidates under consideration as prospective peer reviewers for this letter peer review available for public comment by summer of 2024. The list will be available in the docket at *https://www.regulations.gov* (docket ID number EPA–HQ–OPPT–2024–0114).

III. Letter Peer Review

A. What is the purpose of this Letter Peer Review?

The focus of this letter peer review is to review the approach and methodologies utilized in the draft risk evaluation for 1,1-DCA. Feedback from this review will be considered in the development of the final 1,1-DCA risk evaluation.

EPA intends to announce in spring 2024 in the **Federal Register**, the availability of and solicit public comment on the draft risk evaluation, at which time EPA will provide instructions for submitting public comments. The draft risk evaluation and public comments will be provided to the letter peer reviewers in the summer of 2024.

B. Why did EPA develop these documents?

1,1-DCA was designated in December 2019 as a High-Priority Substance for risk evaluation under TSCA (84 FR 71924, December 30, 2019 (FRL–10003–15), and is currently in the risk evaluation process. In August 2020, the Agency released the final scope document outlining the hazards, exposures, conditions of use, and the potentially exposed or susceptible subpopulations the agency expects to consider in its risk evaluation (85 FR 55281, September 4, 2020 (FRL–10013–90).

1,1-DCA is a volatile, colorless, oily liquid with a chloroform-like odor, which is primarily used in organic chemical manufacturing. 1,1-DCA is manufactured and used primarily in industrial applications, such as a reactant for the manufacture of other chemicals or as a laboratory chemical. The reported total production volume (PV) of 1,1-DCA in 2015 and 2020 was between 100 million and 1 billion pounds. EPA assumes that a high percentage of the PV is used for processing as a reactive intermediate, and a small percentage of the PV is used for commercial use as a laboratory chemical. EPA did not identify any consumer uses of 1,1-DCA.

The major exposure pathway to 1,1-DCA is through releases to air. 1,1-DCA is estimated to have high water solubility and once it is released into water, it remains primarily in the water column. EPA, therefore, also assessed relevant surface water and land exposure pathways. EPA relied on databases reporting multi-year 1,1-DCA releases to ambient air, surface water, and disposal to land, such as the Toxic Release Inventory (TRI), the National Emissions Inventory (NEI) and Discharge Monitoring Reports (DMR), among others, to conduct major portions of its exposure analysis. Due to limited empirical data for human health and portions of the environmental hazard assessments, EPA relied on read-across approaches to supplement 1,1-DCA data to develop hazard values.

EPA plans to submit the draft risk evaluation of 1,1-DCA and associated supporting documents for letter peer review in the summer of 2024. The draft risk evaluation includes analyses of physical-chemical properties; the fate and transport in the environment; exposure to workers, and general population including potentially exposed or susceptible subpopulations; releases to the environment; environmental hazard and risk characterization for terrestrial and aquatic species; and human health hazard and risk characterization for workers and the general population.

EPA is focusing its letter peer review charge on specific scientific areas and analyses and is not developing charge questions for all aspects of the risk evaluation. Many of the methods and analyses used in these evaluations are not novel and have been reviewed in the development of the tools used in various agency work products or in previous TSCA assessments.

EPA is requesting feedback on novel approaches, unique exposure analyses and other calculations, approaches and results associated with the human health and environmental hazard endpoints. Specifically, EPA is seeking comment on the issues below:

- For human health hazard, EPA has limited empirical toxicity data available for 1,1-DCA. EPA has employed an approach for developing the human health hazard values through the utilization of read across to supplement the 1,1-DCA database using information from the identified analog, 1,2-dichloroethane (1,2-DCA). EPA is seeking review of the approach for

developing the human health hazard values including the selection and application of a read across using 1,2-DCA as an analog; on the benchmark response (BMR) for the hazard value chosen for the human health hazard value used for the acute, short-term and chronic exposure durations; and on the weight of scientific evidence and confidence for specific hazard endpoints of central nervous system (CNS) depression/sedation, degeneration/necrosis of olfactory mucosa and decreased sperm concentration.

- For environmental hazard for aquatic and benthic organisms, EPA has limited empirical toxicity data available for 1,1-DCA and has employed an approach for developing the environmental hazard values through read across using a method for analog selection. EPA used 1,2-DCA and 1,1,2-trichloroethane as analogs to read across environmental hazard to 1,1-DCA. EPA is seeking comment on the use of analog data in combination with 1,1-DCA data to estimate risk to aquatic vertebrates and invertebrates, including benthic invertebrates.
- EPA obtained primary inhalation exposure monitoring data for 1,1-DCA for the occupational exposure scenario (OES) of Manufacture through a test order and prioritized the use of occupational inhalation monitoring data for the intended condition of use and other appropriate exposure scenarios (*e.g.,* Processing as a Reactant and Laboratory Use OESs). EPA is seeking comment on the use of inhalation exposure monitoring data for these analogous exposure scenarios.
- EPA used surrogate chlorinated solvent inhalation monitoring data to estimate occupational exposures for the OES where there was a lack of inhalation monitoring data and applied a vapor pressure correction factor to account for vapor pressure differences between the surrogate chemical and 1,1-DCA. EPA is seeking comments on the use of surrogate data to estimate occupational exposures.
- For dermal exposures, EPA lacked specific 1,1-DCA dermal absorption data. Therefore, EPA used the Dermal Exposure to Volatile Liquids Model (DEVL) and applied the model to all OES; however, values for fraction absorbed and weight fraction of the chemical can differ among OES. EPA is seeking comments on the application of DEVL to all OESs and is seeking methods to better differentiate the dermal exposure potential and the resulting risks between OES.

C. How can I access the documents submitted for this letter peer review?

EPA is planning to release the draft risk evaluation for 1,1-DCA, all background documents and related supporting materials in the spring of 2024. At that time, EPA will publish a separate document in the **Federal Register** to announce the availability of and solicit public comment on the materials and provide instructions for submitting comments. The materials will be available in the docket and through the TSCA Scientific Peer Review Committees website. In addition, as additional background materials become available (*e.g.,* list of experts participating in this letter peer review), EPA will include the additional materials in the docket and through the website.

Dated: March 14, 2024.

Michal Freedhoff,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2024–06049 Filed 3–20–24; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID: 209847]

Privacy Act System of Records

AGENCY: Federal Communications Commission.

ACTION: Notice of a modified system of records.

SUMMARY: The Federal Communications Commission (FCC, Commission, or Agency) proposes to modify an existing system of records, FCC/CGB–1, Informal Complaints, Inquiries, and Requests for Dispute Assistance, subject to the Privacy Act of 1974, as amended. This action is necessary to meet the requirements of the Privacy Act to publish in the **Federal Register** notice of the existence and character of records maintained by the agency. The Commission uses records in this system to handle and process informal complaints, inquiries, and requests for dispute assistance received from individuals, groups, and other entities. This modification makes various necessary changes and updates to accommodate new uses of the system to collect and maintain voluntarily provided demographic data and to publicly disclose anonymized or de-identified complaint data.

DATES: This modified system of records will become effective on March 21, 2024. Written comments on the routine uses are due by April 22, 2024. The routine uses in this action will become effective on April 22, 2024 unless comments are received that require a contrary determination.

ADDRESSES: Send comments to Brendan McTaggart, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, or *privacy@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Brendan McTaggart, (202) 418–1738, or *privacy@fcc.gov* (and to obtain a copy of the Narrative Statement and the Supplementary Document, which includes details of the proposed alterations to this system of records).

SUPPLEMENTARY INFORMATION: As required by the Privacy Act of 1974, as amended, 5 U.S.C. 552a(e)(4) and (e)(11), this document sets forth notice of the proposed modification of a system of records maintained by the FCC. The FCC previously provided notice of the system of records FCC/CGB–1, Informal Complaints, Inquiries, and Requests for Dispute Assistance, by publication in the **Federal Register** on September 1, 2023 (88 FR 60459).

This notice serves to update and modify FCC/CGB–1 to accommodate the collection and maintenance of voluntarily provided demographic data and the public disclosure of anonymized or de-identified complaint data. The substantive changes and modifications to the previously published version of the FCC/CGB–1 system of records include:

1. Modifying the language in the Categories of Records to accommodate the collection and maintenance of voluntarily provided demographic data.

2. *Adding one new routine use:* (4) Public Disclosure of Anonymized Complaint Data, which will cover the public disclosure of anonymized or otherwise de-identified complaint data in order to promote transparency and empower third parties to assist the Commission in identifying trends.

SYSTEM NAME AND NUMBER:

FCC/CGB–1, Informal Complaints, Inquiries, and Requests for Dispute Assistance.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Consumer and Governmental Affairs Bureau (CGB), Federal Communications Commission (FCC), 45 L Street NE, Washington, DC 20554.

SYSTEM MANAGER(S):

CGB, FCC, 45 L Street NE, Washington, DC 20554.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1, 4, 206, 208, 225, 226, 227, 228, 255, 258, 301, 303, 309(e), 312, 362, 364, 386, 507, 710, 713, 716, 717, 718, and 1754 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154, 206, 208, 225, 226, 227, 228, 255, 258, 301, 303, 309(e), 312, 362, 364, 386, 507, 610, 613, 617, 618, 619, and 1754; sections 504 and 508 of the Rehabilitation Act, 29 U.S.C. 794 and 794d; and 47 CFR 0.111, 0.141, 1.711 *et seq.,* 14.30 *et seq.,* 20.19, 64.604, 68.414 *et seq.,* 79.1 *et seq,* and 16.1–16.7.

PURPOSE(S) OF THE SYSTEM:

This system will collect from individuals, groups, and other entities informal complaints, inquiries, and requests for dispute assistance and related supporting materials; company replies to informal consumer complaints, requests, inquiries, and Commission letters regarding such complaints, requests, and inquiries; and other submissions made by individuals, groups, or other entities. Collecting and maintaining these types of information allow staff access to documents necessary for key activities discussed in this SORN, including processing informal complaints, inquiries, and requests for dispute assistance; analyzing effectiveness and efficiency of related FCC programs and informing future rule- and policy-making activity; and improving staff efficiency. Records in this system are available for public inspection, after redaction of information that could identify the complainant or correspondent, including the complainant's name, address, telephone number, fax number, and/or email address.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals and individual representatives of groups or other entities who make or have made, or are responding to, informal consumer complaints, inquiries, or requests for dispute assistance, as well as Commission letters regarding such complaints, requests, and inquiries on matters arising under the Communications Act of 1934, as amended, and the Rehabilitation Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Computerized information contained in the system including inquiries, requests for dispute assistance, informal consumer complaints, and related supporting information, including personal contact information or other identifying information provided by individuals, groups, or other entities, which may include voluntarily provided demographic information; company replies, including contact information, to informal consumer complaints, requests, inquiries, and Commission letters regarding such complaints, requests, and inquiries; and submissions that individuals, groups, or other entities make, including, but not limited to, submissions made by letter, fax, telephone, email, and via the FCC web portal for consumer complaints.

RECORD SOURCE CATEGORIES:

Information in this system is provided by individuals, groups, and other entities who make or have made, or are responding to, informal consumer complaints, inquiries, or requests for dispute assistance, as well as Commission letters regarding such complaints, requests, and inquiries on matters arising under the Communications Act of 1934, as amended, and the Rehabilitation Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed to authorized entities, as is determined to be relevant and necessary, outside of the FCC as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

1. Informal Consumer Complaints—When a record in this system involves an informal consumer complaint filed against a service provider (*e.g.,* broadband, telecommunications, broadcast, multi-channel video program, Voice over internet-Protocol (VoIP), etc.), the complaint may be forwarded to the subject company for a response, pursuant to sections 4(i), 208, and 303(r) of the Communications Act of 1934, as amended.

2. Informal Complaints, Inquiries, and Requests for Dispute Assistance about Accessibility for Individuals with Disabilities—When a record in this system involves an informal complaint, inquiry, or request for dispute assistance involving or filed against a company about accessibility for individuals with disabilities, the inquiry, request, or informal complaint may be forwarded to the subject company for a response, pursuant to section 4(i), 208, and 303(r) of the Communications Act of 1934, as amended.

3. Public Disclosure—When an order or other published Bureau- or Commission-level action (including Notices of Proposed Rulemaking, Reports and Orders, Notices of Apparent Liability, Forfeiture Orders, Consent Agreements, Notice Letters, or all other actions released by a Bureau or the Commission) includes consideration of informal complaints (including informal complaints related to accessibility for individuals with disabilities) filed against a company, the complainant's name may be made public in that order or Commission action. Where a complainant in filing his or her complaint explicitly requests confidentiality of his or her name from public disclosure, the Commission will endeavor to protect such information from public disclosure. Complaints that contain requests for confidentiality may be dismissed if the Commission determines that the request impedes the Commission's ability to investigate and/or resolve the complaint.

4. Public Disclosure of Anonymized Complaint Data—The Commission will make publicly available anonymized or otherwise de-identified complaint data in order to promote transparency and empower third parties to assist the Commission in identifying trends.

5. Law Enforcement and Investigation—To disclose pertinent information to the appropriate Federal, State, local, Tribal agency, or a component of such an agency, responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the FCC becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

6. Litigation—To disclose records to the Department of Justice (DOJ) when: (a) the FCC or any component thereof; (b) any employee of the FCC in his or her official capacity; (c) any employee of the FCC in his or her individual capacity where the DOJ or the FCC has agreed to represent the employee; or (d) the United States Government is a party to litigation or has an interest in such litigation, and by careful review, the FCC determines that the records are both relevant and necessary to the litigation, and the use of such records by the DOJ is for a purpose that is compatible with the purpose for which the FCC collected the records.

7. Adjudication—To disclose records in a proceeding before a court or adjudicative body, when: (a) the FCC or any component thereof; or (b) any employee of the FCC in his or her official capacity; or (c) any employee of the FCC in his or her individual capacity; or (d) the United States Government, is a party to litigation or has an interest in such litigation, and by careful review, the FCC determines that the records are both relevant and

necessary to the litigation, and that the use of such records is for a purpose that is compatible with the purpose for which the agency collected the records.

8. Congressional Inquiries—To provide information to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the written request of that individual.

9. Government-wide Program Management and Oversight—To provide information to the DOJ to obtain the department's advice regarding disclosure obligations under the Freedom of Information Act (FOIA); or to the Office of Management and Budget (OMB) to obtain that office's advice regarding obligations under the Privacy Act.

10. Breach Notification—To appropriate agencies, entities, and persons when: (a) the Commission suspects or has confirmed that there has been a breach of Personally Identifiable Information (PII) maintained in the system of records; (b) the Commission has determined that as a result of the suspected or confirmed compromise there is a risk of harm to individuals, the Commission (including its information systems, programs, and operations), the Federal Government, or national security; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Commission's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

11. Assistance to Federal Agencies and Entities Related to Breaches—To another Federal agency or Federal entity, when the Commission determines that information from this system is reasonably necessary to assist the recipient agency or entity in: (a) responding to a suspected or confirmed breach or (b) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, program, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

12. Non-Federal Personnel—To disclose information to non-Federal personnel, including contractors, FCC program administrators (including USAC), other vendors (*e.g.,* identity verification services), grantees, and volunteers who have been engaged to assist the FCC in the performance of a contract, service, grant, cooperative agreement, or other activity related to this system of records and who need to have access to the records to perform their activity.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

This is a cloud-based computing system that utilizes the provider-supported application on the provider's cloud network (Software as a Service or SaaS).

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records in this system of records can be retrieved by any category field, *e.g.,* first or last name or email address.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

The information in this system is maintained and disposed of in accordance with the NARA General Records Schedule 6.5, Item 020 (DAA–0173–2019–0002).

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

The electronic records, files, and data are stored within FCC or a vendor's accreditation boundaries and maintained in a database housed in the FCC's or vendor's computer network databases. Access to the electronic files is restricted to authorized employees and contractors; and to IT staff, contractors, and vendors who maintain the IT networks and services. Other employees and contractors may be granted access on a need-to-know basis. The electronic files and records are protected by the FCC and third-party privacy safeguards, a comprehensive and dynamic set of IT safety and security protocols and features that are designed to meet all Federal privacy standards, including those required by the Federal Information Security Modernization Act of 2014 (FISMA), OMB, and the National Institute of Standards and Technology (NIST).

RECORD ACCESS PROCEDURES:

Individuals wishing to request access to and/or amendment of records about themselves should follow the Notification Procedure below.

CONTESTING RECORD PROCEDURES:

Individuals wishing to request access to and/or amendment of records about themselves should follow the Notification Procedure below.

NOTIFICATION PROCEDURES:

Individuals wishing to determine whether this system of records contains information about themselves may do so by writing to *privacy@fcc.gov.* Individuals requesting access or amendment of records must also comply with the FCC's Privacy Act regulations regarding verification of identity as required under 47 CFR part 0, subpart E.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

88 FR 60459 (September 1, 2023).

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2024–05957 Filed 3–20–24; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meetings

TIME AND DATE: Tuesday, March 26, 2024, at 10 a.m. and its continuation at the conclusion of the open meeting on March 27, 2024.

PLACE: 1050 First Street NE, Washington, DC and virtual (this meeting will be a hybrid meeting).

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance matters pursuant to 52 U.S.C. 30109.

Investigatory records complied for law enforcement purposes and production would disclose investigative techniques.

Matters concerning participation in civil actions or proceedings or arbitration.

* * * * *

CONTACT PERSON FOR MORE INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

(Authority: Government in the Sunshine Act, 5 U.S.C. 552b)

Laura E. Sinram,

Secretary and Clerk of the Commission.

[FR Doc. 2024–06081 Filed 3–19–24; 11:15 am]

BILLING CODE 6715–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2023–N–4721]

Willis Reed: Final Debarment Order

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is issuing an order under the Federal Food, Drug, and Cosmetic Act (FD&C Act) permanently debarring Willis Reed from providing services in any capacity to a person that has an approved or pending drug product application. FDA bases this

order on a finding that Mr. Reed was convicted of a felony under Federal law for conduct that relates to the regulation of a drug product under the FD&C Act. Mr. Reed was given notice of the proposed debarment and an opportunity to request a hearing within the timeframe prescribed by regulation. As of February 10, 2024 (30 days after receipt of the notice), Mr. Reed has not responded. Mr. Reed's failure to respond and request a hearing constitutes a waiver of his right to a hearing concerning this matter.

DATES: This order is applicable March 21, 2024.

ADDRESSES: Any application by Mr. Reed for special termination of debarment under section 306(d)(4) of the FD&C Act (21 U.S.C. 335a(d)(4)) may be submitted at any time as follows:

Electronic Submissions

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. An application submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your application will be made public, you are solely responsible for ensuring that your application does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your application, that information will be posted on *https://www.regulations.gov.*
- If you want to submit an application with confidential information that you do not wish to be made available to the public, submit the application as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For a written/paper application submitted to the Dockets Management Staff, FDA will post your application, as well as any attachments, except for information submitted, marked, and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All applications must include the Docket No. FDA–2023–N–4721. Received applications will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit an application with confidential information that you do not wish to be made publicly available, submit your application only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of your application. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500. Publicly available submissions may be seen in the docket.

FOR FURTHER INFORMATION CONTACT: Jaime Espinosa, Division of Compliance and Enforcement, Office of Policy, Compliance, and Enforcement, Office of Regulatory Affairs, Food and Drug Administration, at 240–402–8743, or *debarments@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 306(a)(2)(B) of the FD&C Act requires debarment of an individual from providing services in any capacity to a person that has an approved or pending drug product application if FDA finds that the individual has been convicted of a felony under Federal law for conduct relating to the regulation of any drug product under the FD&C Act.

On October 12, 2023, Mr. Reed was convicted as defined in section 306(l)(1) of the FD&C Act, in the U.S. District Court for the Eastern District of Texas-Beaumont Division, when the court entered judgment against him after his plea of guilty of conspiracy to traffick in drugs with counterfeit mark in violation of 18 U.S.C. 371 and 18 U.S.C. 2320(a)(4). The underlying facts supporting the conviction are as follows: As contained in the Second Superseding Indictment, and as contained in Factual Basis, from approximately April 2015 until January 2019, Mr. Reed conspired with drug traffickers to distribute misbranded and counterfeit cough syrup. Specifically, he worked for Woodfield Pharmaceutical LLC, as its Production Manager, and later, he was promoted to Director of Technical Operations. Woodfield Pharmaceutical LLC was part of a group of pharmaceutical companies that included Woodfield Pharmaceutical LLC, a contract manufacturing company, and Woodfield Distribution LLC, a third-party logistics company (collectively, Woodfield).

On April 25, 2014, Woodfield acquired Pernix Manufacturing LLC (Pernix). Pernix had in January 2014, entered into an agreement with Byron A. Marshall and his drug trafficking organization (DTO) to copy and manufacture cough syrup according to the directions of Marshall and his associates. Marshall was not licensed or authorized to distribute cough syrup and any background check of the personal information provided by Marshall to Pernix or later Woodfield would have revealed that he was not a licensed physician as he claimed. Initially, Marshall sought to copy Actavis Prometh VC with Codeine (Actavis). Actavis is a purple, peach-mint flavor prescription cough syrup that was in demand as a street drug. Marshall and his associates wanted to mass produce and traffic a counterfeit version of Actavis that contained promethazine, but not codeine. Cough syrups containing promethazine or codeine were approved by FDA for distribution only under the supervision of a licensed practitioner.

On April 24, 2014, Actavis Holdco U.S. discontinued production of Actavis due to its widespread abuse by recreational drug users. A Pernix product-development scientist worked with Marshall and his associates to recreate the Actavis product without codeine and promethazine to recreate the syrup base, which is a necessary component of cough syrup. Marshall and his associates would add promethazine to the counterfeit

substance prior to bottling and distribution to create the street drug. Marshall and his DTO also obtained counterfeited commercial-grade pharmaceutical labels designed to look exactly like the genuine labels for the prescription cough syrup from another supplier.

In his role with Woodfield, Mr. Reed knew that the Marshall DTO was adding active ingredients to the syrup Woodfield sold to the Marshall DTO. From approximately April 2015 until January 2019, Mr. Reed was principally responsible for the large-scale production of syrup base for the Marshall DTO. Beginning on or about May 26, 2015, Mr. Reed became the Marshall DTO's principal source of supply for promethazine. Mr. Reed brokered the promethazine from a lab chemical supplier based in New York that delivered the promethazine directly to the Marshall DTO. In January 2019 Mr. Reed was fired from his position at Woodfield.

As a result of this conviction, FDA sent Mr. Reed, by certified mail, on January 5, 2024, a notice proposing to permanently debar him from providing services in any capacity to a person that has an approved or pending drug product application. The proposal was based on a finding, under section 306(a)(2)(B), that Mr. Reed was convicted of a felony under Federal law for conduct relating to the regulation of a drug product under the FD&C Act. The proposal informed Mr. Reed of the proposed debarment and offered him an opportunity to request a hearing, providing him 30 days from the date of receipt of the letter in which to file the request, and advised him that failure to request a hearing constituted a waiver of the opportunity for a hearing and of any contentions concerning this action. Mr. Reed received the proposal and notice of opportunity for a hearing on January 11, 2024. Mr. Reed failed to request a hearing within the timeframe prescribed by regulation and has, therefore, waived his opportunity for a hearing and waived any contentions concerning his debarment (21 CFR part 12).

II. Findings and Order

Therefore, the Assistant Commissioner, Office of Human and Animal Food Operations, under section 306(a)(2)(B) of the FD&C Act, under authority delegated to the Assistant Commissioner, finds that Mr. Willis Reed has been convicted of a felony under Federal law for conduct relating to the regulation of a drug product under the FD&C Act.

As a result of the foregoing finding, Mr. Reed is permanently debarred from providing services in any capacity to a person with an approved or pending drug product application, effective (see **DATES**) (see sections 306(a)(2)(B) and 306(c)(2)(A)(ii) of the FD&C Act). Any person with an approved or pending drug product application who knowingly employs or retains as a consultant or contractor, or otherwise uses in any capacity the services of Mr. Reed during his debarment, will be subject to civil money penalties (section 307(a)(6) of the FD&C Act (21 U.S.C. 335b(a)(6))). If Mr. Reed provides services in any capacity to a person with an approved or pending drug product application during his period of debarment, he will be subject to civil money penalties (section 307(a)(7) of the FD&C Act). In addition, FDA will not accept or review any abbreviated new drug application from Mr. Reed during his period of debarment, other than in connection with an audit under section 306 of the FD&C Act (section 306(c)(1)(B) of the FD&C Act (21 U.S.C. 335a(c)(1)(B))). Note that, for purposes of sections 306 and 307 of the FD&C Act, a ''drug product'' is defined as a drug subject to regulation under section 505, 512, or 802 of this FD&C Act (21 U.S.C. 355, 360b, 382) or under section 351 of the Public Health Service Act (42 U.S.C. 262) (section 201(dd) of the FD&C Act (21 U.S.C. 321(dd))).

Dated: March 15, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–05981 Filed 3–20–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2023–D–5470]

Real-World Evidence: Considerations Regarding Non-Interventional Studies for Drug and Biological Products; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled ''Real-World Evidence: Considerations Regarding Non-Interventional Studies for Drug and Biological Products.'' FDA is issuing this draft guidance as part of a series of guidance documents under its Real-World Evidence (RWE) Program and to satisfy, in part, a mandate under the Federal Food, Drug, and Cosmetic Act (FD&C Act) to issue guidance about the use of RWE in regulatory decision-making. The draft guidance provides recommendations to sponsors who are considering submitting a non-interventional study, also referred to as an observational study, to FDA to contribute to a demonstration of substantial evidence of effectiveness and/or evidence of safety of a drug. This draft guidance was developed in response to stakeholders' growing interest in the potential use of non-interventional studies to contribute to a demonstration of the effectiveness or safety of a drug.

DATES: Submit either electronic or written comments on the draft guidance by June 18, 2024 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management

Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2023–D–5470 for ''Real-World Evidence: Considerations Regarding Non-Interventional Studies for Drug and Biological Products.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002; or to the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Dianne Paraoan, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 3326, Silver Spring, MD 20993–0002, 301–796–3161, *dianne.paraoan@fda.hhs.gov;* or James Myers, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Real-World Evidence: Considerations Regarding Non-Interventional Studies for Drug and Biological Products.'' This draft guidance discusses attributes regarding the design and analysis of a non-interventional study that sponsors should consider when proposing such a study to contribute to a demonstration of substantial evidence of effectiveness and/or evidence of safety of a product. Examples of non-interventional study designs for evaluating the effectiveness and/or safety of a drug include, but are not limited to, cohort studies, case-control studies, and self-controlled studies.

Identifying and addressing the presence of confounding and other forms of bias is critical when planning and conducting non-interventional studies. Before choosing a non-interventional study design for a study intended to support regulatory decisions regarding the safety and effectiveness of a drug, sponsors should consider how likely it is that such a study design and its conduct will be able to distinguish a true treatment effect from other influences. The draft guidance assists sponsors in identifying and addressing commonly encountered challenges when considering the use of a non-interventional study to contribute to a demonstration of substantial evidence of effectiveness and/or evidence of safety of a drug, including topics sponsors should consider before developing a prespecified protocol and statistical analysis plan. This draft guidance discusses the following major topics: (1) summary of the proposed approach, (2) study design, (3) data sources, and (4) analytical approach. The topics in this draft guidance should be considered in conjunction with the recommendations in other published guidances under the RWE Program.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on ''Real-World Evidence: Considerations Regarding Non-Interventional Studies for Drug and Biological Products.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

While this guidance contains no collection of information, it does refer to previously approved FDA collections of information. The previously approved collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521). The collections of information in 21 CFR part 312 (investigational new drug applications) have been approved under OMB control number 0910–0014; the collections of information in 21 CFR part 314 (new drug marketing applications) have been approved under OMB control number 0910–0001; and the collections of information in 21 CFR part 601 (biologic license applications) have been approved under OMB control number 0910–0338. The collections of information in 21 CFR part 11 (electronic records and signatures) have been approved under OMB control number 0910–0303. The collections of information in 21 CFR parts 50 and 56 (protection of human subjects and institutional review boards) have been approved under OMB control number 0910–0130.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at *https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs, https://www.fda.gov/*

vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics/biologics-guidances, https://www.fda.gov/regulatory-information/search-fda-guidance-documents, or *https://www.regulations.gov.*

Dated: March 15, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–05969 Filed 3–20–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–N–1201]

Agency Information Collection Activities; Proposed Collection; Comment Request; Voluntary Total Product Life Cycle Advisory Program Pilot

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collections associated with Total Product Life Cycle (TPLC) Advisory Program (TAP) Pilot.

DATES: Either electronic or written comments on the collection of information must be submitted by May 20, 2024.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of May 20, 2024. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2024–N–1201 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Voluntary Total Product Life Cycle Advisory Program Pilot.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: 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, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) whether the proposed collection of information

is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Total Product Life Cycle (TPLC) Advisory Program (TAP) Pilot

OMB Control Number 0910–NEW

This information collection supports the TPLC Advisory Program (TAP) Pilot. FDA's Center for Devices and Radiological Health (CDRH) launched the voluntary TAP Pilot in 2023 (87 FR 61605; October 12, 2022). The TAP Pilot is one of the commitments agreed to between FDA and industry as part of the reauthorization of the Medical Device User Fee Amendments for fiscal year (FY) 2023 through FY 2027 [1] (MDUFA V).[2] The long-term vision for TAP is to help spur more rapid development and more rapid and widespread patient access to safe, effective, high-quality medical devices of public health importance. Over the course of MDUFA V, the voluntary TAP Pilot is intended to demonstrate the feasibility and benefits of process improvements to FDA's early interactions with participants and of FDA's facilitation of interactions between participants and stakeholders that support the vision for TAP.

A key goal of the TAP Pilot is to improve various aspects of medical device development and to increase the predictability and reduce the time from concept to commercialization, in part, by facilitating robust engagement early in the process with FDA, industry, and key stakeholders.

The MDUFA V commitment letter states that FDA will conduct an assessment of the overall outcomes of the TAP Pilot that will include a participant satisfaction survey and quantitative and qualitative success metrics that include, but are not limited to: (1) the extent to which FDA is successful at meeting the quantitative goals described in V.J.3.b [3] of the MDUFA V commitment letter; (2) participant satisfaction with the timeliness, frequency, quality, and efficiency of interactions with and written feedback from FDA; (3) participant satisfaction with the timeliness, frequency, quality, and efficiency of voluntary interactions with non-FDA stakeholders facilitated by FDA (if utilized); and (4) an overall assessment of the outcomes of the TAP Pilot and opportunities for improvement.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
TAP Pilot Manufacturers Requesting to Participate.	225	1	225	0.25 (15 minutes)	56
Satisfaction Survey Participants	200	2	400	0.33 (20 minutes)	132
TAP Pilot Participant Interviews and Passive Observations.	60	1	60	1	60
Pulse Survey Participants	200	1	200	0.03 (2 minutes)	6
Total [2]					254

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Totals may not sum due to rounding.

Application To Participate in TAP Pilot Program

FDA is developing a software portal mechanism through which sponsors interested in device enrollment into the TAP Pilot program can request enrollment. FDA estimates that approximately 225 manufacturers will submit a request to participate in the TAP Pilot.

TAP Pilot Participant Satisfaction Survey

This assessment includes a participant survey utilizing quantitative and qualitative success metrics. Data collected under this survey will help FDA evaluate the TAP Pilot. Specifically, FDA seeks to evaluate:

- participant satisfaction with the timeliness, frequency, quality, and efficiency of interactions with and written feedback from FDA;
- participant satisfaction with the timeliness, frequency, quality, and efficiency of voluntary interactions with non-FDA stakeholders facilitated by FDA (if utilized); and
- other outcomes of the TAP Pilot and opportunities for improvement.

Any sponsors who participate in the TAP Pilot will be invited to take the survey. We estimate that approximately 200 manufacturers will qualify and therefore will be surveyed 2 times per year.

TAP Pilot Participant Interviews

In support of qualitative success metrics and sentiments around the operation of the TAP Pilot, FDA seeks to conduct interviews with TAP Pilot participants, including applicants and external stakeholders, such as professional societies, payers, and patient advocacy groups. The purpose of these interviews is to better understand individual participants' experiences in the TAP Pilot. Data collected in these interviews will help FDA understand the impact of the TAP Pilot and potential opportunities for improvement

[1] MDUFA V spans from FY 2023 through FY 2027. The fiscal year runs from October 1 through September 30, so FY 2023 runs from October 1, 2022, through September 30, 2023.

[2] For more information on FDA's TAP Pilot, see the TAP Pilot web page at: *https://www.fda.gov/medical-devices/how-study-and-market-your-device/total-product-life-cycle-advisory-program-tap*.

[3] See section V.J.3.b of the MDUFA V commitment letter, MDUFA Performance Goals and Procedures, Fiscal Years 2023 Through 2027, available at: *https://www.fda.gov/industry/medical-device-user-fee-amendments-mdufa/medical-device-user-fee-amendments-2023-mdufa-v*.

in TAP processes and operations. All TAP Pilot participants will make up the potential group of respondents for the interviews, however, FDA intends to interview only a stratified sample of all potential participants. In addition, around 60 manufacturers will be interviewed after completing an application to participate.

TAP Pilot Participant Pulse Surveys

FDA seeks to obtain quantitative satisfaction ratings and free-response data from TAP Pilot participants using a 2-question survey deployed closely following TAP Pilot interactions (*e.g.,* teleconferences, written feedback). The same pulse survey will be administered after each interaction. The purpose of these surveys is to measure level of satisfaction with the interaction and allow for an opportunity for participants to provide feedback regarding the interaction. Manufacturers will also be surveyed one additional time per year just to gauge satisfaction over time with their experience interacting with FDA. This equates to 254 burden hours per year (rounded).

To supplement the data collection methods listed above, FDA would like to obtain interaction-related data by passively observing meetings among FDA staff, applicants, and external stakeholders. We plan to use an internal structured observational meeting form or checklist to standardize data collection. The purpose of these observations is to evaluate meeting attendance, level of collaboration, and the degree to which key processes and activities are being adhered. Data collected may also support identification of improvement opportunities to the TAP Pilot. We do not intend to actively collect this information from meeting participants directly (*e.g.,* by asking questions or collecting documents).

Dated: March 15, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–05970 Filed 3–20–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–N–1091]

Revocation of Six Authorizations of Emergency Use of In Vitro Diagnostic Device for Detection and/or Diagnosis of COVID–19; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the revocation of the Emergency Use Authorizations (EUAs) (the Authorizations) issued to Life Technologies Corp. (a legal entity of Thermo Fisher Scientific, Inc.), for the TaqPath COVID–19 Pooling Kit; Bio-Rad Laboratories, Inc., for the Reliance SARS–CoV–2 RT–PCR Assay Kit; Revvity, Inc., (on behalf of Revvity Omics (a Revvity, Inc. company that was a rebranding of PerkinElmer Genomics)), for the PerkinElmer SARS–CoV–2 RT–qPCR Reagent Kit; bioMérieux SA for the VIDAS SARS–CoV–2 IgM kit; bioMérieux SA for the VIDAS SARS–CoV–2 IgG kit; and Luminex Corp. for the xMAP SARS–CoV–2 Multi-Antigen IgG Assay. FDA revoked the Authorizations under the Federal Food, Drug, and Cosmetic Act (FD&C Act) as requested by the Authorization holder. The revocations, which include an explanation of the reasons for each revocation, are reprinted at the end of this document.

DATES: The Authorization for the Life Technologies Corp.'s (a legal entity of Thermo Fisher Scientific, Inc.) TaqPath COVID–19 Pooling Kit is revoked as of January 16, 2024. The Authorization for the Bio-Rad Laboratories, Inc.'s Reliance SARS–CoV–2 RT–PCR Assay Kit is revoked as of January 16, 2024. The Authorization for the Revvity, Inc.'s (on behalf of Revvity Omics (a Revvity, Inc. company that was a rebranding of PerkinElmer Genomics)) PerkinElmer SARS–CoV–2 RT–qPCR Reagent Kit is revoked as of January 30, 2024. The Authorization for the bioMérieux SA's VIDAS SARS–CoV–2 IgM kit is revoked as of January 31, 2024. The Authorization for the bioMérieux SA's VIDAS SARS–CoV–2 IgG kit is revoked as of January 31, 2024. The Authorization for the Luminex Corp.'s xMAP SARS–CoV–2 Multi-Antigen IgG Assay is revoked as of February 22, 2024.

ADDRESSES: Submit written requests for a single copy of the revocations to the Office of Policy, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request or include a Fax number to which the revocations may be sent. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the revocations.

FOR FURTHER INFORMATION CONTACT: Kim Sapsford-Medintz, Office of Product Evaluation and Quality, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 3216, Silver Spring, MD 20993–0002, 301–796–0311 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

Section 564 of the FD&C Act (21 U.S.C. 360bbb–3) as amended by the Project BioShield Act of 2004 (Pub. L. 108–276) and the Pandemic and All-Hazards Preparedness Reauthorization Act of 2013 (Pub. L. 113–5) allows FDA to strengthen the public health protections against biological, chemical, radiological, or nuclear agent or agents. Among other things, section 564 of the FD&C Act allows FDA to authorize the use of an unapproved medical product or an unapproved use of an approved medical product in certain situations. On May 25, 2021, FDA issued the Authorization to Life Technologies Corp. (a legal entity of Thermo Fisher Scientific, Inc.), for the TaqPath COVID–19 Pooling Kit, subject to the terms of the Authorization. Notice of the issuance of this Authorization was published in the **Federal Register** on July 23, 2021 (86 FR 39040 at 39043), as required by section 564(h)(1) of the FD&C Act.

On January 15, 2021, FDA issued the Authorization to Bio-Rad Laboratories, Inc., for the Reliance SARS–CoV–2 RT–PCR Assay Kit, subject to the terms of the Authorization. Notice of the issuance of this Authorization was published in the **Federal Register** on April 23, 2021 (86 FR 21549 at 21751), as required by section 564(h)(1) of the FD&C Act.

On April 12, 2021, FDA issued the Authorization to PerkinElmer Genomics, (Revvity, Inc. (Revvity Omics, a Revvity, Inc. company that was a rebranding of PerkinElmer Genomics)) for the PerkinElmer SARS–CoV–2 RT–qPCR Reagent Kit, subject to the terms of the Authorization. Notice of the issuance of this Authorization was published in the **Federal Register** on July 23, 2021 (86 FR 39040 at 39042), as required by section 564(h)(1) of the FD&C Act.

On August 6, 2020, FDA issued the Authorization to bioMérieux SA for the VIDAS SARS–CoV–2 IgM kit, subject to the terms of the Authorization. Notice of the issuance of this Authorization was published in the **Federal Register** on November 20, 2020 (85 FR 74346 at 74350), as required by section 564(h)(1) of the FD&C Act.

On August 6, 2020, FDA issued the Authorization to bioMérieux SA for the

VIDAS SARS–CoV–2 IgG kit, subject to the terms of the Authorization. Notice of the issuance of this Authorization was published in the **Federal Register** on November 20, 2020 (85 FR 74346 at 74350), as required by section 564(h)(1) of the FD&C Act.

On July 16, 2020, FDA issued the Authorization to Luminex Corp. for the xMAP SARS–CoV–2 Multi-Antigen IgG Assay, subject to the terms of the Authorization. Notice of the issuance of this Authorization was published in the **Federal Register** on November 20, 2020 (85 FR 74346 at 74350), as required by section 564(h)(1) of the FD&C Act.

Subsequent updates to the Authorizations were made available on FDA's website. The authorization of a device for emergency use under section 564 of the FD&C Act may, pursuant to section 564(g)(2) of the FD&C Act, be revoked when the criteria under section 564(c) of the FD&C Act for issuance of such authorization are no longer met (section 564(g)(2)(B) of the FD&C Act), or other circumstances make such revocation appropriate to protect the public health or safety (section 564(g)(2)(C) of the FD&C Act).

II. Authorizations Revocation Requests

In a request received by FDA on November 13, 2023, Life Technologies Corp. (a legal entity of Thermo Fisher Scientific, Inc.), requested the revocation of, and on January 16, 2024, FDA revoked, the Authorization for the Life Technologies Corp.'s (a legal entity of Thermo Fisher Scientific, Inc.) TaqPath COVID–19 Pooling Kit. Because Life Technologies Corp. notified FDA that they are no longer commercially supporting the TaqPath COVID–19 Pooling Kit and requested FDA revoke the Authorization for Life Technologies Corp.'s TaqPath COVID–19 Pooling Kit, FDA has determined that it is appropriate to protect the public health or safety to revoke this Authorization.

In a request received by FDA on January 7, 2024, Bio-Rad Laboratories, Inc., requested the revocation of, and on January 16, 2024, FDA revoked, the Authorization for Bio-Rad Laboratories, Inc.'s Reliance SARS–CoV–2 RT–PCR Assay Kit. Because Bio-Rad Laboratories, Inc. notified FDA that they have ceased U.S. distribution of the Bio-Rad Reliance SARS–CoV–2 RT–PCR Assay Kit and requested FDA revoke the Authorization for Bio-Rad Laboratories, Inc.'s Reliance SARS–CoV–2 RT–PCR Assay Kit, FDA has determined that it is appropriate to protect the public health or safety to revoke this Authorization.

In a request received by FDA on January 19, 2024, Revvity, Inc. (on behalf of Revvity Omics (a Revvity, Inc. company that was a rebranding of PerkinElmer Genomics)), requested the revocation of, and on January 30, 2024, FDA revoked, the Authorization for the Revvity, Inc.'s PerkinElmer SARS–CoV–2 RT–qPCR Reagent Kit. Because Revvity, Inc. notified FDA that they have discontinued use of the PerkinElmer SARS–CoV–2 RT–qPCR Reagent Kit at the Revvity Omics laboratory, and requested FDA revoke the Authorization for Revvity, Inc.'s PerkinElmer SARS–CoV–2 RT–qPCR Reagent Kit, FDA has determined that it is appropriate to protect the public health or safety to revoke this Authorization.

In a request received by FDA on January 22, 2024, bioMérieux SA, requested the revocation of, and on January 31, 2024, FDA revoked, the Authorization for the bioMérieux SA's VIDAS SARS–CoV–2 IgM kit. Because bioMérieux SA notified FDA that they will no longer commercially support the authorized product, and requested FDA revoke the Authorization for bioMérieux SA's VIDAS SARS–CoV–2 IgM kit, FDA has determined that it is appropriate to protect the public health or safety to revoke this Authorization.

In a request received by FDA on January 22, 2024, bioMérieux SA, requested the revocation of, and on January 31, 2024, FDA revoked, the Authorization for the bioMérieux SA's VIDAS SARS–CoV–2 IgG kit. Because bioMérieux SA notified FDA that they will no longer commercially support the authorized product, and requested FDA revoke the Authorization for bioMérieux SA's VIDAS SARS–CoV–2 IgG kit, FDA has determined that it is appropriate to protect the public health or safety to revoke this Authorization.

In a request received by FDA on February 19, 2024, Luminex Corp., requested the withdrawal of, and on February 22, 2024, FDA revoked, the Authorization for the Luminex Corp.'s xMAP SARS–CoV–2 Multi-Antigen IgG Assay. Because Luminex Corp. notified FDA that they have discontinued the manufacture of the authorized product, and requested FDA revoke the Authorization for Luminex Corp.'s xMAP SARS–CoV–2 Multi-Antigen IgG Assay, FDA has determined that it is appropriate to protect the public health or safety to revoke this Authorization.

III. Electronic Access

An electronic version of this document and the full text of the revocations are available on the internet at *https://www.regulations.gov/.*

IV. The Revocations

Having concluded that the criteria for revocation of the Authorizations under section 564(g)(2)(C) of the FD&C Act are met, FDA has revoked the EUA of Life Technologies Corp.'s (a legal entity of Thermo Fisher Scientific, Inc.) TaqPath COVID–19 Pooling Kit, Bio-Rad Laboratories, Inc.'s Reliance SARS–CoV–2 RT–PCR Assay Kit, Revvity, Inc.'s (on behalf of Revvity Omics (a Revvity, Inc. company that was a rebranding of PerkinElmer Genomics)) PerkinElmer SARS–CoV–2 RT-qPCR Reagent Kit, bioMérieux SA's VIDAS SARS–CoV–2 IgM kit, bioMérieux SA's VIDAS SARS–CoV–2 IgG kit, and Luminex Corp.'s xMAP SARS–CoV–2 Multi-Antigen IgG Assay. The revocations in their entirety follow and provide an explanation of the reasons for revocation, as required by section 564(h)(1) of the FD&C Act.

BILLING CODE 4164–01–P

U.S. FOOD & DRUG ADMINISTRATION

January 16, 2024

Stacy Drakousis,
Sr. Manager, Regulatory Affairs
Thermo Fisher Scientific, Inc.
5781 Van Allen Way
Carlsbad, CA 92008

Re: Revocation of EUA202924

Dear Stacy Drakousis:

This letter is in response to the request from Life Technologies Corporation (a legal entity of Thermo Fisher Scientific, Inc.), in a letter dated November 13, 2023, that the U.S. Food and Drug Administration (FDA) revoke the EUA for the TaqPath COVID-19 Pooling Kit issued on May 25, 2021, and amended on September 23, 2021, and May 31, 2023. Thermo Fisher Scientific, Inc. indicated that they are no longer commercially supporting the TaqPath COVID-19 Pooling Kit and requested that the EUA be revoked. FDA understands that as of the date of this letter there will no longer be any viable TaqPath COVID-19 Pooling Kit reagents remaining in distribution in the United States.

The authorization of a device for emergency use under section 564 of the Federal Food, Drug, and Cosmetic Act (the Act) (21 U.S.C. 360bbb-3) may, pursuant to section 564(g)(2) of the Act, be revoked when circumstances make such revocation appropriate to protect the public health or safety (section 564(g)(2)(C) of the Act). Because Thermo Fisher Scientific, Inc. has requested that FDA revoke the EUA for the TaqPath COVID-19 Pooling Kit, FDA has determined that it is appropriate to protect the public health or safety to revoke this authorization. Accordingly, FDA hereby revokes EUA202924 for the TaqPath COVID-19 Pooling Kit, pursuant to section 564(g)(2)(C) of the Act. As of the date of this letter, the TaqPath COVID-19 Pooling Kit is no longer authorized for emergency use by FDA.

Notice of this revocation will be published in the *Federal Register*, pursuant to section 564(h)(1) of the Act.

Sincerely,

//s//

Jeffrey E. Shuren, M.D., J.D.
Director
Center for Devices and Radiological Health
Food and Drug Administration

U.S. FOOD & DRUG ADMINISTRATION

January 16, 2024

Elizabeth Platt, EdD, MS
V.P., Regulatory & Clinical Affairs
Bio-Rad Laboratories, Inc.
4000 Alfred Nobel Drive
Hercules, CA 94547

Re: Revocation of EUA202864

Dear Dr. Platt:

This letter is in response to the request from Bio-Rad Laboratories, Inc., in a letter dated January 7, 2024, that the U.S. Food and Drug Administration (FDA) revoke the EUA for the Bio-Rad Reliance SARS-CoV-2 RT-PCR Assay Kit issued on January 15, 2021, and amended on May 11, 2021, September 23, 2021, and October 25, 2022. Bio-Rad Laboratories, Inc. indicated that they have ceased United States (U.S.) distribution of the Bio-Rad Reliance SARS-CoV-2 RT-PCR Assay Kit and requested that the EUA be revoked. FDA understands that as of the date of this letter there will no longer be any viable Bio-Rad Reliance SARS-CoV-2 RT-PCR Assay Kit reagents remaining in distribution in the U.S.

The authorization of a device for emergency use under section 564 of the Federal Food, Drug, and Cosmetic Act (the Act) (21 U.S.C. 360bbb-3) may, pursuant to section 564(g)(2) of the Act, be revoked when circumstances make such revocation appropriate to protect the public health or safety (section 564(g)(2)(C) of the Act). Because Bio-Rad Laboratories, Inc. has requested that FDA revoke the EUA for the Bio-Rad Reliance SARS-CoV-2 RT-PCR Assay Kit, FDA has determined that it is appropriate to protect the public health or safety to revoke this authorization. Accordingly, FDA hereby revokes EUA202864 for the Bio-Rad Reliance SARS-CoV-2 RT-PCR Assay Kit, pursuant to section 564(g)(2)(C) of the Act. As of the date of this letter, the Bio-Rad Reliance SARS-CoV-2 RT-PCR Assay Kit is no longer authorized for emergency use by FDA.

Notice of this revocation will be published in the *Federal Register*, pursuant to section 564(h)(1) of the Act.

Sincerely,

//s//

Jeffrey E. Shuren, M.D., J.D.
Director
Center for Devices and Radiological Health
Food and Drug Administration

U.S. FOOD & DRUG ADMINISTRATION

January 30, 2024

Lisa Vershave
Regulatory Affairs Manager
Revvity, Inc.
940 Winter Street
Waltham, MA 02451

Re: Revocation of EUA202494

Dear Lisa Vershave:

This letter is in response to the request from Revvity, Inc., on behalf of Revvity Omics (a Revvity, Inc. company that was a rebranding of PerkinElmer Genomics) in an email dated January 19, 2024, that the U.S. Food and Drug Administration (FDA) withdraw the EUA for the PerkinElmer SARS-CoV-2 RT-qPCR Reagent Kit issued on April 12, 2021, and amended on September 23, 2021. Revvity, Inc. indicated that as of the date of this letter they have discontinued use of the PerkinElmer SARS-CoV-2 RT-qPCR Reagent Kit at the Revvity Omics (formally PerkinElmer Genomics) laboratory located in Pittsburgh.

The authorization of a device for emergency use under section 564 of the Federal Food, Drug, and Cosmetic Act (the Act) (21 U.S.C. 360bbb-3) may, pursuant to section 564(g)(2) of the Act, be revoked when circumstances make such revocation appropriate to protect the public health or safety (section 564(g)(2)(C) of the Act). Because Revvity, Inc. has requested that FDA revoke the EUA for the PerkinElmer SARS-CoV-2 RT-qPCR Reagent Kit, FDA has determined that it is appropriate to protect the public health or safety to revoke this authorization. Accordingly, FDA hereby revokes EUA202494 for the PerkinElmer SARS-CoV-2 RT-qPCR Reagent Kit, pursuant to section 564(g)(2)(C) of the Act. As of the date of this letter, the PerkinElmer SARS-CoV-2 RT-qPCR Reagent Kit is no longer authorized for emergency use by FDA.

Notice of this revocation will be published in the *Federal Register*, pursuant to section 564(h)(1) of the Act.

Sincerely,

//s//

Jeffrey E. Shuren, M.D., J.D.
Director
Center for Devices and Radiological Health
Food and Drug Administration

U.S. FOOD & DRUG ADMINISTRATION

January 31, 2024

Laura Zani
Regulatory Affairs Specialist
bioMérieux SA
376 Chemin de l'Orme
69280 Marcy-l'Étoile, France

Re: Revocation of EUA201554

Dear Laura Zani:

This letter is in response to the request from bioMérieux SA in a letter dated January 22, 2024, that the U.S. Food and Drug Administration (FDA) revoke the EUA for the VIDAS SARS-CoV-2 IgM kit issued on August 6, 2020, reissued on March 11, 2021, and amended on September 23, 2021. BioMérieux SA indicated that they will no longer commercially support the authorized product and requested that the EUA be revoked. FDA understands that as of the date of this letter there are no viable VIDAS SARS-CoV-2 IgM reagents remaining in distribution in the United States.

The authorization of a device for emergency use under section 564 of the Federal Food, Drug, and Cosmetic Act (the Act) (21 U.S.C. 360bbb-3) may, pursuant to section 564(g)(2) of the Act, be revoked when circumstances make such revocation appropriate to protect the public health or safety (section 564(g)(2)(C) of the Act). Because bioMérieux SA has requested that FDA revoke the EUA for the VIDAS SARS-CoV-2 IgM, FDA has determined that it is appropriate to protect the public health or safety to revoke this authorization. Accordingly, FDA hereby revokes EUA201554 for the VIDAS SARS-CoV-2 IgM, pursuant to section 564(g)(2)(C) of the Act. As of the date of this letter, the VIDAS SARS-CoV-2 IgM is no longer authorized for emergency use by FDA.

Notice of this revocation will be published in the *Federal Register*, pursuant to section 564(h)(1) of the Act.

Sincerely,

//s//

Jeffrey E. Shuren, M.D., J.D.
Director
Center for Devices and Radiological Health
Food and Drug Administration

U.S. FOOD & DRUG ADMINISTRATION

January 31, 2024

Laura Zani
Regulatory Affairs Specialist
bioMérieux SA
376 Chemin de l'Orme
69280 Marcy-l'Étoile, France

Re: Revocation of EUA201553

Dear Laura Zani:

This letter is in response to the request from bioMérieux SA in a letter dated January 22, 2024, that the U.S. Food and Drug Administration (FDA) revoke the EUA for the VIDAS SARS-CoV-2 IgG kit issued on August 6, 2020, reissued on March 11, 2021, and amended on September 23, 2021. BioMérieux SA indicated that they will no longer commercially support the authorized product and requested that the EUA be revoked. FDA understands that as of the date of this letter there are no viable VIDAS SARS-CoV-2 IgG reagents remaining in distribution in the United States.

The authorization of a device for emergency use under section 564 of the Federal Food, Drug, and Cosmetic Act (the Act) (21 U.S.C. 360bbb-3) may, pursuant to section 564(g)(2) of the Act, be revoked when circumstances make such revocation appropriate to protect the public health or safety (section 564(g)(2)(C) of the Act). Because bioMérieux SA has requested that FDA revoke the EUA for the VIDAS SARS-CoV-2 IgG, FDA has determined that it is appropriate to protect the public health or safety to revoke this authorization. Accordingly, FDA hereby revokes EUA201553 for the VIDAS SARS-CoV-2 IgG, pursuant to section 564(g)(2)(C) of the Act. As of the date of this letter, the VIDAS SARS-CoV-2 IgG is no longer authorized for emergency use by FDA.

Notice of this revocation will be published in the *Federal Register*, pursuant to section 564(h)(1) of the Act.

Sincerely,

//s//

Jeffrey E. Shuren, M.D., J.D.
Director
Center for Devices and Radiological Health
Food and Drug Administration

U.S. FOOD & DRUG ADMINISTRATION

February 22, 2024

Tara Viviani, RAC
Senior Director, Molecular Regulatory Affairs
Luminex Corporation
12212 Technology Blvd.
Austin, TX 78727

Re: Revocation of EUA201881

Dear Tara Viviani:
This letter is in response to the request from Luminex Corporation, in a letter dated February 19, 2024, that the U.S. Food and Drug Administration (FDA) withdraw the EUA for the xMAP SARS-CoV-2 Multi-Antigen IgG Assay issued on July 16, 2020, and amended on September 23, 2021, and March 9, 2022. Luminex Corporation indicated that they have discontinued manufacture of the authorized product and requested that the EUA be withdrawn. FDA understands that as of the date of this letter there are no viable xMAP SARS-CoV-2 Multi-Antigen IgG Assay reagents remaining in distribution in the United States.

The authorization of a device for emergency use under section 564 of the Federal Food, Drug, and Cosmetic Act (the Act) (21 U.S.C. 360bbb-3) may, pursuant to section 564(g)(2) of the Act, be revoked when circumstances make such revocation appropriate to protect the public health or safety (section 564(g)(2)(C) of the Act). Because Luminex Corporation has requested that FDA withdraw the EUA for the xMAP SARS-CoV-2 Multi-Antigen IgG Assay, FDA has determined that it is appropriate to protect the public health or safety to revoke this authorization. Accordingly, FDA hereby revokes EUA201881 for the xMAP SARS-CoV-2 Multi-Antigen IgG Assay, pursuant to section 564(g)(2)(C) of the Act. As of the date of this letter, the xMAP SARS-CoV-2 Multi-Antigen IgG Assay is no longer authorized for emergency use by FDA.

Notice of this revocation will be published in the *Federal Register*, pursuant to section 564(h)(1) of the Act.

Sincerely,

//s//

Jeffrey E. Shuren, M.D., J.D.
Director
Center for Devices and Radiological Health
Food and Drug Administration

Cc: Jennifer Svoboda, Manager, Regulatory Affairs, Luminex Corporation

Dated: March 15, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–05980 Filed 3–20–24; 8:45 am]

BILLING CODE 4164–01–C

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–N–0802]

Agency Information Collection Activities; Proposed Collection; Comment Request; Veterinary Feed Directive

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an

existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the reporting, recordkeeping, and third-party disclosure burden associated with the veterinary feed directive regulations.

DATES: Either electronic or written comments on the collection of information must be submitted by May 20, 2024.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of May 20, 2024. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2024–N–0802 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Veterinary Feed Directive.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Rachel Showalter, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 240–994–7399, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Veterinary Feed Directive—21 CFR 558.6

OMB Control Number 0910–0363—Revision

This information collection helps support implementation of FDA statutory and regulatory requirements. Section 504 of the Federal Food, Drug, and Cosmetic Act (FD&C) (21 U.S.C. 354) establishes a regulatory category for certain new animal drugs called veterinary feed directive (VFD) drugs. Our VFD regulation is set forth at § 558.6 (21 CFR 558.6). VFD drugs are new animal drugs, intended for use in or on animal feed, which are limited to use under the professional supervision of a licensed veterinarian in the course of the veterinarian's professional

practice. An animal feed containing a VFD drug or a combination VFD drug may be fed to animals only by or upon a lawful VFD issued by a licensed veterinarian.

Distributors of medicated feed containing VFD drugs notify FDA of their intent to distribute such feed via U.S. Postal mail, email, or fax and must maintain records of the receipt and distribution of all medicated feeds containing VFD drugs. Veterinarians issue three copies of the VFD: one for their own records, one for their client, and one to the client's VFD feed distributor. For third-party disclosures, FDA regulation requires that veterinarians include specific information on the VFD. A distributor may only distribute a VFD feed to another distributor for further distribution if the originating distributor (consignor) first obtains a written acknowledgment letter from the receiving distributor (consignee) before the feed is shipped.

We developed the guidance document ''Guidance for Industry (GFI) #233 Veterinary Feed Directive Common Format Questions and Answers'' (September 2016) (*https://www.fda.gov/regulatory-information/search-fda-guidance-documents/cvm-gfi-233-veterinary-feed-directive-common-format-questions-and-answers*) to provide guidance concerning the elements that must be included on the VFD and the elements that may be included on the VFD as described in § 558.6. The guidance also provides examples that illustrate how a common VFD format might appear. We plan to revise the information collection to incorporate this guidance document as an instrument. Agency guidance documents are issued in accordance with our good guidance practice regulations in 21 CFR 10.115, which provide for public comment at any time.

The VFD regulation ensures the protection of public health while enabling animal producers to obtain and use needed drugs as efficiently and cost effectively as possible. We will use the information collected to assess compliance with the VFD regulation. The required reporting, recordkeeping, and third-party disclosures provide assurance that the medicated feeds will be safe and effective for their labeled conditions of use and that edible products from treated animals will be free of unsafe drug residues.

A. Reporting Requirements

Description of Respondents: VFD Feed Distributors.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR part/activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
558.6(c)(5) requires a distributor to notify FDA prior to the first time it distributes a VFD feed.	112	1	112	0.12 (7 minutes)	13
558.6(c)(6) requires a distributor to notify FDA within 30 days of any change in ownership, business name, or business address.	239	1	239	0.12 (7 minutes)	29
Total	351				42

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The number of respondents is based on the average number of notifications we have received over the past 3 years.

B. Recordkeeping Requirements

Description of Respondents: VFD Feed Distributors, Food Animal Veterinarians, and Clients (Food Animal Producers).

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR part/activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
558.6(a)(4) and (c)(3), (4), and (8); requires recordkeeping by veterinarians, producers, and distributors to maintain their copy of the VFD Order, their receipt and distribution records, and their manufacturing records and acknowledgement letters, if applicable, for 2 years.	30,800	219.03	6,746,096	0.02 (1 minute) ..	134,922

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

FDA's guidance document, ''GFI #213 New Animal Drugs and New Animal Drug Combination Products Administered in or on Medicated Feed or Drinking Water of Food-Producing Animals: Recommendations for Drug Sponsors for Voluntarily Aligning Product Use Conditions with GFI #209,'' (December 2013) (*https://www.fda.gov/regulatory-information/search-fda-guidance-documents/cvm-gfi-213-new-animal-drugs-and-new-animal-drug-combination-products-administered-or-medicated-feed*) describes a voluntary process wherein sponsors of new animal drugs used in and on animal feed and in water changed the marketing status of these drugs from over-the-counter to VFD. As a result of this voluntary process, which occurred in January 2017, the number of establishments distributing feeds containing VFD drugs increased, as well as the number of veterinarians issuing VFDs, and the number of food animal producers using VFD medicated feed. Thus, based on the current number of mixed practice veterinarians and the number of food animal veterinarians listed on the American Veterinary Medical Association's website, we have increased the number of recordkeepers for veterinarians and producers.

Additionally, based on our program experience, we have decreased the number of records per recordkeeper, as we believe the previous numbers were too high. The burden we attribute to recordkeeping activities is assumed to be distributed among the individual elements and averaged among respondents.

In addition to the recordkeeping requirement under § 558.6(c)(3), if a distributor manufactures the VFD feed, the distributor must also keep VFD manufacturing records for 1 year in accordance with 21 CFR part 225 and

such records must be made available for inspection and copying by FDA upon request (§ 558.6(c)(4)). These record requirements are currently approved under OMB control number 0910–0152, ''Current Good Manufacturing Practice Regulations for Medicated Feed.''

C. Third-Party Disclosure Requirements

Description of Respondents: Food Animal Veterinarians, VFD Feed Distributors, and Clients.

TABLE 3—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

21 CFR part/activity	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
558.6(b)(3)(v) and (b)(7)(ix); requires veterinarians to disclose information on a VFD ...	5,278	40	211,120	0.12 (7 minutes)	25,334
558.6(c)(8); requires acknowledgment letter from one distributor to another	2,422	5	12,110	0.12 (7 minutes)	1,453
Total	7,700	.....	.....	.....	26,787

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on program experience, we believe the original number of third-party disclosures estimate was too high and have decreased the number of disclosures per respondent. The VFD regulation also contains several labeling provisions. These labeling statements are a ''public disclosure of information originally supplied by the Federal government to the recipient for the purpose of disclosure to the public'' (5 CFR 1320.3(c)(2)) and therefore do not constitute a ''collection of information'' under the PRA (44 U.S.C. 3501, *et seq.*).

After a review of the information collection since our last request for OMB approval, we have adjusted our estimates based on our experience with the VFD regulations and updated data. As a result, the total burden for the information collection has decreased 39,387 hours since the last OMB approval.

Dated: March 15, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–05986 Filed 3–20–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–N–0972]

Agency Information Collection Activities; Proposed Collection; Comment Request; Regulations Under the Federal Import Milk Act

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the reporting and recordkeeping requirements of our regulations implementing the Federal Import Milk Act (FIMA).

DATES: Either electronic or written comments on the collection of information must be submitted by May 20, 2024.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of May 20, 2024. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2024–N–0972 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Regulations Under the Federal Import Milk Act.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including

the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Regulations Under the Federal Import Milk Act (FIMA)—21 CFR Part 1210

OMB Control Number 0910–0212—Extension

This information collection supports FDA regulations. Under FIMA (21 U.S.C. 141–149), milk or cream may be imported into the United States only by the holder of a valid import milk permit (21 U.S.C. 141). Before such permit is issued: (1) all cows from which import milk or cream is produced must be physically examined and found healthy; (2) if the milk or cream is imported raw, all such cows must pass a tuberculin test; (3) the dairy farm and each plant in which the milk or cream is processed or handled must be inspected and found to meet certain sanitary requirements; (4) bacterial counts of the milk at the time of importation must not exceed specified limits; and (5) the temperature of the milk or cream at time of importation must not exceed 50 °F (21 U.S.C. 142).

Our regulations in part 1210 (21 CFR part 1210) implement the provisions of FIMA. Sections 1210.11 and 1210.14 require reports on the sanitary conditions of, respectively, dairy farms and plants producing milk and/or cream to be shipped to the United States. Section 1210.12 requires reports on the physical examination of herds, while § 1210.13 requires the reporting of tuberculin testing of the herds. In addition, the regulations in part 1210 require that dairy farmers and plants maintain pasteurization records (§ 1210.15) and that each container of milk or cream imported into the United States bear a tag with the product type, permit number, and shipper's name and address (§ 1210.22). Section 1210.20 requires that an application for a permit to ship or transport milk or cream into the United States be made by the actual shipper. Section 1210.23 allows permits to be granted based on certificates from accredited officials.

To assist respondents with the regulatory requirements, we have developed the following forms:

- Form FDA 1815: Certificate/Transmittal for an Application (21 CFR 1210.23).
- Form FDA 1993: Application for Permit To Ship or Transport Milk and/or Cream into the United States (21 CFR 1210.20).
- Form FDA 1994: Report of Tuberculin Tests of Cattle (21 CFR 1210.13).
- Form FDA 1995: Report of Physical Examination of Cows (21 CFR 1210.12).
- Form FDA 1996: Dairy Farm Sanitary Report (21 CFR 1210.11).
- Form FDA 1997: Score Card for Sanitary Inspection of Milk Plants (21 CFR 1210.14).

The information collected is used by FDA to determine whether a permit to import milk and/or cream into the United States should be granted.

Description of Respondents: Respondents include foreign dairy farms and plants engaged in transporting milk and/or cream into the United States. Respondents are from the private sector (for-profit businesses).

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1] [2]

21 CFR section	Form FDA No./description	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
1210.11	1996/Sanitary inspection of dairy farms	1	200	200	1.5	300
1210.12	1995/Physical examination of cows	1	1	1	0.5 (30 minutes)	1
1210.13	1994/Tuberculin test	1	1	1	0.5 (30 minutes)	1
1210.14	1997/Sanitary inspections of plants	1	1	1	2.0	2
1210.20	1993/Application for permit	1	1	1	0.5 (30 minutes)	1

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1] [2]—Continued

21 CFR section	Form FDA No./description	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
1210.23	1815/Permits granted on certificates	1	1	1	0.5 (30 minutes)	1
Total	.....	.....	.....	.....	.....	306

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Numbers have been rounded.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1] [2]

21 CFR section/activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
1210.15/Pasteurization records	1	1	1	0.05 (3 minutes)	1

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Numbers have been rounded.

The Secretary of Health and Human Services has the discretion to allow Form FDA 1815, a duly certified statement signed by an accredited official of a foreign government, to be submitted in lieu of Forms FDA 1994 and 1995. In the past, Form FDA 1815 has been submitted in lieu of these forms. Because we have not received any Forms FDA 1994 or 1995 in the last 3 years, we assume no more than one will be submitted annually.

No burden has been estimated for the tagging requirement in § 1210.22 because the information on the tag is either supplied by us (permit number) or is disclosed to third parties as a usual and customary part of the shipper's normal business activities (type of product, shipper's name and address). Under 5 CFR 1320.3(c)(2), the public disclosure of information originally supplied by the Federal Government to the recipient for the purpose of disclosure to the public is not subject to review by OMB under the PRA. Under 5 CFR 1320.3(b)(2)), the time, effort, and financial resources necessary to comply with a collection of information are excluded from the burden estimate if the reporting, recordkeeping, or disclosure activities needed to comply are usual and customary because they would occur in the normal course of business activities.

Based on a review of the information collection since our last OMB approval, we have retained our burden estimate. The estimated number of respondents and hours per response are based on our experience with the import milk permit program and the average number of import milk permit holders over the past 3 years. However, we have not received any responses in the last 3 years; therefore, we estimate that one or fewer to be submitted annually. Although we have not received any responses in the last 3 years, we believe these information collection provisions should be extended to provide for the potential future need for a milk importer.

Dated: March 15, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–06028 Filed 3–20–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–N–0644]

Eli Lilly and Company; Withdrawal of Approval of SARAFEM (Fluoxetine Hydrochloride) Capsules, Equivalent to 10 Milligrams Base and Equivalent to 20 Milligrams Base, Including the Premenstrual Dysphoric Disorder Indication Approved Under New Drug Application 018936

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is withdrawing approval of SARAFEM (fluoxetine hydrochloride (HCl)) capsules, equivalent to (EQ) 10 milligrams (mg) base and EQ 20 mg base, including the premenstrual dysphoric disorder (PMDD) indication, approved under new drug application (NDA) 018936. This NDA is held by Eli Lilly and Co., Lilly Corporate Center, Indianapolis, IN 46285 (Lilly). Lilly notified the Agency in writing that SARAFEM (fluoxetine HCl) capsules, EQ 10 mg base and EQ 20 mg base, indicated for the treatment of PMDD, was no longer marketed and requested that the approval of SARAFEM (fluoxetine HCl) capsules, including the PMDD indication, be withdrawn.

DATES: Approval is withdrawn as of April 22, 2024.

FOR FURTHER INFORMATION CONTACT: Kimberly Lehrfeld, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6226, Silver Spring, MD 20993–0002, 301–796–3137, *Kimberly.Lehrfeld@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: On December 29, 1987, FDA approved NDA 018936 for PROZAC (fluoxetine HCl) capsules, EQ 20 mg base, for major depressive disorder. On July 6, 2000, FDA approved a supplement to NDA 018936 for SARAFEM (fluoxetine HCl) capsules, EQ 10 mg base and EQ 20 mg base, indicated for the treatment of PMDD. SARAFEM (fluoxetine HCl) capsules are only approved for the PMDD indication. SARAFEM (fluoxetine HCl) capsules and PROZAC (fluoxetine HCl) capsules, EQ 10 mg base and EQ 20 mg base, were marketed by Lilly under the same NDA with distinct labeling, including distinct Prescribing Information, carton and container labels, and labeling for patients and caregivers.

On June 10, 2010, Lilly informed FDA that it had discontinued marketing of SARAFEM (fluoxetine HCl) capsules, EQ 10 mg base and EQ 20 mg base. On August 4, 2023, Lilly requested, in writing, that FDA withdraw approval of SARAFEM (fluoxetine HCl) capsules, EQ 10 mg base and EQ 20 mg base, including the PMDD indication, under § 314.150(c) (21 CFR 314.150(c)). Lilly also waived its opportunity for a

hearing. Withdrawal of approval of an application under § 314.150(c) is without prejudice to refiling.

Therefore, approval of SARAFEM (fluoxetine HCl) capsules, EQ 10 mg base and EQ 20 mg base, including the PMDD indication approved under NDA 018936, is hereby withdrawn as of April 22, 2024. Withdrawal of approval of SARAFEM (fluoxetine HCl) capsules, EQ 10 mg base and EQ 20 mg base, including the PMDD indication approved under NDA 018936, does not affect approval of PROZAC (fluoxetine HCl) capsules, EQ 10 mg base, EQ 20 mg base, EQ 40 mg base, and EQ 60 mg base, or any other indication approved under NDA 018936. Introduction or delivery for introduction into interstate commerce of SARAFEM (fluoxetine HCl) capsules, EQ 10 mg base and EQ 20 mg base, without an approved NDA violates sections 505(a) and 301(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(a) and 331(d)).

Dated: March 15, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–05982 Filed 3–20–24; 8:45 am]

BILLING CODE 4164–01–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; Member Conflict: Vascular Biology and Pathophysiology.

Date: April 12, 2024.

Time: 9:00 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: Vivian Tang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–6208, *tangvw@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–22–233: Time-Sensitive Opportunities for Health Research.

Date: April 12, 2024.

Time: 10:00 a.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 (Virtual Meeting).

Contact Person: Wenjuan Wang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Room 3154, Bethesda, MD 20892, (301) 480–8667, *wangw22@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Cancer Biology.

Date: April 12, 2024.

Time: 12:00 p.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: Amy L. Rubinstein, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5152, MSC 7844, Bethesda, MD 20892, 301–408–9754, *rubinsteinal@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA: Public Health Communication Messaging about the Continuum of Risk for Tobacco Products.

Date: April 15, 2024.

Time: 1:00 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 (Virtual Meeting).

Contact Person: Pamela Jeter, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Room 10J08, Bethesda, MD 20892, (301) 827–6401, *pamela.jeter@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Topics in Basic Cancer Immunology.

Date: April 17, 2024.

Time: 10:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Sarita Kandula Sastry, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20782, 301–402–4788, *sarita.sastry@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: March 18, 2024.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–06011 Filed 3–20–24; 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; Drug Discovery and Molecular Pharmacology.

Date: April 2, 2024.

Time: 1:00 p.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: Jeffrey Smiley, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6194, MSC 7804, Bethesda, MD 20892, (301) 272–4596, *smileyja@csr.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: March 18, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–06002 Filed 3–20–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Microbiology, Infectious Diseases and AIDS Initial Review Group; Acquired Immunodeficiency Syndrome Research Study Section Acquired Immunodeficiency Syndrome Research Study Section.

Date: April 17–18, 2024.

Time: 8:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3D32, Rockville, MD 20852 (Video Assisted Meeting).

Contact Person: Robert C. Unfer, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3D32, Bethesda, MD 20852, (240) 669–5035, *robert.unfer@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 18, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–06013 Filed 3–20–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Advancing Development of Diagnostics for Congenital and Adult Acquired Syphilis (R21 Clinical Trial Not Allowed).

Date: April 18–19, 2024.

Time: 10:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3E72A, Rockville, MD 20852 (Video Assisted Meeting).

Contact Person: Frank S. De Silva, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3E72A, Rockville, MD 20852, (240) 669–5023, *fdesilva@niaid.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 18, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–06014 Filed 3–20–24; 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; Rural Community-Centered Drug Misuse Prevention and Harm Reduction Research: Addressing Implementation, Dissemination, and Equity Challenges across the Continuum of Care.

Date: May 23, 2024.

Time: 11:00 a.m. to 3:30 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: Marisa Srivareerat, Ph.D., Scientific Review Officer, Scientific Review Branch, Office of Extramural Policy, National Institute on Drug Abuse, NIH, 301 North Stonestreet Avenue, Room 09C49, Bethesda, MD 20892, (301) 435–1258, *marisa.srivareerat@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: March 18, 2024.

Lauren Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–06012 Filed 3–20–24; 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–2419]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table

below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: Comments are to be submitted on or before June 20, 2024.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–2419, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Nicholas A. Shufro,

Deputy Assistant Administrator for Risk Management, Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
San Bernardino County, California and Incorporated Areas Project: 20–09–0025S Preliminary Date: November 17, 2023	
City of Highland	City Hall, 27215 Base Line Street, Highland, CA 92346.
City of Loma Linda	City Hall, 25541 Barton Road, Loma Linda, CA 92354.
City of Redlands	City Hall, 35 Cajon Street, Suite 4, Redlands, CA 92373.
Unincorporated Areas of San Bernardino County	San Bernardino County Department of Public Works, 825 East 3rd Street, Room 101, San Bernardino, CA 92415.
Moody County, South Dakota and Incorporated Areas Project: 20–08–0005S Preliminary Date: January 19, 2024	
City of Colman	City Hall, 112 North Main Avenue, Colman, SD 57017.
City of Egan	City Office, 110 West 3rd Street, Egan, SD 57024.
City of Flandreau	Planning and Zoning, 1005 West Elm Avenue, Flandreau, SD 57028.
Town of Trent	Town Office, 403 East 3rd Street, Trent, SD 57065.
Town of Ward	Community Center, 309 Main Street, Ward, SD 57026.
Unincorporated Areas of Moody County	Moody County Courthouse, 101 East Pipestone Avenue, Flandreau, SD 57028.

[FR Doc. 2024–05967 Filed 3–20–24; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2024–0002; Internal Agency Docket No. FEMA–B–2421]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: Comments are to be submitted on or before June 18, 2024.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–2421, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Nicholas A. Shufro,

Deputy Assistant Administrator for Risk Management, Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
Morris County, New Jersey (All Jurisdictions) **Project: 21–02–0015S Preliminary Date: September 28, 2023**	
Borough of Butler	Municipal Building, 1 Ace Road, Butler, NJ 07405.
Borough of Kinnelon	Municipal Building, 130 Kinnelon Road, Kinnelon, NJ 07405.
Borough of Lincoln Park	Borough Hall, 34 Chapel Hill Road, Lincoln Park, NJ 07035.
Borough of Riverdale	Municipal Building, 91 Newark-Pompton Turnpike, Riverdale, NJ 07457.
Township of East Hanover	Municipal Building, Construction Department, 411 Ridgedale Avenue, East Hanover, NJ 07936.
Township of Montville	Municipal Building, Engineering Department, 195 Changebridge Road, Montville, NJ 07045.

Community	Community map repository address
Township of Parsippany-Troy Hills	Parsippany-Troy Hills Township Hall, 1001 Parsippany Boulevard, Parsippany, NJ 07054.
Township of Pequannock	Pequannock Township Department of Public Works, 99 Alexander Avenue, Pompton Plains, NJ 07444.

[FR Doc. 2024–05966 Filed 3–20–24; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2024–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities.

DATES: Each LOMR was finalized as in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *https://msc.fema.gov*.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65. The currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov*.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Nicholas A. Shufro,

Deputy Assistant Administrator for Risk Management, Federal Emergency Management Agency, Department of Homeland Security.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Arkansas: Washington (FEMA Docket No.: B–2401).	City of Fayetteville (23–06–0884P).	The Honorable Lioneld Jordan, Mayor, City of Fayetteville, 113 West Mountain Street, Fayetteville, AR 72701.	City Hall, 113 West Mountain Street, Fayetteville, AR 72701.	Feb. 20, 2024	050216
Connecticut: Middlesex (FEMA Docket No.: B–2395).	Town of Old Saybrook (23–01–0694P).	Carl P. Fortuna Jr., First Selectman, Town of Old Saybrook Board of Selectmen, 302 Main Street, Old Saybrook, CT 06475.	Planning Department, 302 Main Street, Old Saybrook, CT 06475.	Feb. 23, 2024	090069
Delaware: New Castle (FEMA Docket No.: B–2401).	Unincorporated areas of New Castle County (23–03–0137P).	Matthew Meyer, New Castle County Executive, 87 Read's Way, New Castle, DE 19720.	New Castle County, Government Center, 87 Read's Way, New Castle, DE 19720.	Feb. 15, 2024	105085
District of Columbia: Washington, DC (FEMA Docket No.: B–2395).	District of Columbia (23–03–0624P).	The Honorable Muriel Bowser, Mayor, District of Columbia, 1350 Pennsylvania Avenue Northwest, Washington, DC 20004.	Department of Energy and Environment, 1200 1st Street Northeast, 5th Floor, Washington, DC 20002.	Mar. 4, 2024	110001
Florida: Charlotte (FEMA Docket No.: B–2391).	Unincorporated areas of Charlotte County (23–04–3477P).	Bill Truex, Chair, Charlotte County Board of Commissioners, 18500 Murdock Circle, Suite 536, Port Charlotte, FL 33948.	Charlotte County, Building Department, 18400 Murdock Circle, Port Charlotte, FL 33948.	Feb. 20, 2024	120061

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Hillsborough (FEMA Docket No.: B–2395).	City of Tampa (23–04–4679P).	The Honorable Jane Castor, Mayor, City of Tampa, 306 East Jackson Street, Tampa, FL 33602.	Building Department, 1400 North Boulevard, Tampa, FL 33607.	Feb. 20, 2024	120114
Lee (FEMA Docket No.: B–2391).	Unincorporated areas of Lee County (23–04–3477P).	Dave Harner, Manager, Lee County, P.O. Box 398, Fort Myers, FL 33901.	Lee County, Community Development Department, 1500 Monroe Street, Fort Myers, FL 33901.	Feb. 20, 2024	125124
Manatee (FEMA Docket No.: B–2391).	Unincorporated areas of Manatee County (23–04–3710P).	Lee Washington, Manatee County Administrator, 1112 Manatee Avenue, West Bradenton, FL 34205.	Manatee County, Administration Building, 1112 Manatee Avenue, West Bradenton, FL 34205.	Feb. 29, 2024	120153
Monroe (FEMA Docket No.: B–2391).	Unincorporated areas of Monroe County (23–04–5435P).	The Honorable Craig Cates, Mayor, Monroe County, Board of Commissioners, 500 Whitehead Street, Suite 102, Key West, FL 33040.	Monroe County, Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050.	Feb. 28, 2024	125129
Monroe (FEMA Docket No.: B–2391).	Unincorporated areas of Monroe County (23–04–5436P).	The Honorable Craig Cates, Mayor, Monroe County, Board of Commissioners, 500 Whitehead Street, Suite 102, Key West, FL 33040.	Monroe County, Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050.	Feb. 29, 2024	125129
Monroe (FEMA Docket No.: B–2391).	Unincorporated areas of Monroe County (23–04–5437P).	The Honorable Craig Cates, Mayor, Monroe County, Board of Commissioners, 500 Whitehead Street, Suite 102, Key West, FL 33040.	Monroe County, Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050.	Feb. 28, 2024	125129
Monroe (FEMA Docket No.: B–2395).	Unincorporated areas of Monroe County (23–04–5520P).	The Honorable Craig Cates, Mayor, Monroe County, Board of Commissioners, 500 Whitehead Street, Suite 102, Key West, FL 33040.	Monroe County, Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33050.	Mar. 1, 2024	125129
Monroe (FEMA Docket No.: B–2391).	Village of Islamorada (23–04–5402P).	The Honorable Joseph Buddy Pinder III, Mayor, Village of Islamorada, 86800 Overseas Highway, Islamorada, FL 33036.	Building Department, 86800 Overseas Highway, Islamorada, FL 33036.	Feb. 26, 2024	120424
Monroe (FEMA Docket No.: B–2395).	Village of Islamorada (23–04–5499P).	The Honorable Joseph Buddy Pinder III, Mayor, Village of Islamorada, 86800 Overseas Highway, Islamorada, FL 33036.	Building Department, 86800 Overseas Highway, Islamorada, FL 33036.	Mar. 1, 2024	120424
Orange (FEMA Docket No.: B–2391).	City of Orlando (23–04–3675P).	The Honorable Buddy Dyer, Mayor, City of Orlando, 400 South Orange Avenue, Orlando, FL 32801.	Public Works Department, Engineering Division, 400 South Orange Avenue, 8th Floor, Orlando, FL 32801.	Feb. 26, 2024	120186
Osceola (FEMA Docket No.: B–2395).	Unincorporated areas of Osceola County (23–04–0702P).	Don Fisher, Manager, Osceola County, 1 Courthouse Square, Suite 4700, Kissimmee, FL 34741.	Osceola County, Public Works Department, 1 Courthouse Square, Suite 3100, Kissimmee, FL 34741.	Mar. 1, 2024	120189
Georgia: Fannin (FEMA Docket No.: B–2395).	City of Blue Ridge (22–04–4037P).	The Honorable Rhonda Haight, Mayor, City of Blue Ridge, 480 West 1st Street, Blue Ridge, GA 30513.	City Hall, 480 West 1st Street, Blue Ridge, GA 30513.	Feb. 22, 2024	130445
Massachusetts: Middlesex (FEMA Docket No.: B–2401).	City of Lowell (23–01–0132P).	Thomas A. Golden, Jr., Manager, City of Lowell, 375 Merrimack Street, 2nd Floor, Room 43, Lowell, MA 01852.	Fire Department Administration Office, 99 Moody Street, Lowell, MA 01852.	Feb. 23, 2024	250201
Middlesex (FEMA Docket No.: B–2401).	Town of Chelmsford (23–01–0132P).	Paul Cohen, Manager, Town of Chelmsford, 50 Billerica Road, Chelmsford, MA 01824.	Community Development Department, 50 Billerica Road, Chelmsford, MA 01824.	Feb. 23, 2024	250188
Oklahoma: Tulsa (FEMA Docket No.: B–2395).	City of Jenks (23–06–0740P).	The Honorable Cory Box, Mayor, City of Jenks, P.O. Box 2007, Jenks, OK 74037.	City Hall, 211 North Elm Street, Jenks, OK 74037.	Feb. 15, 2024	400209
Tulsa (FEMA Docket No.: B–2395).	City of Tulsa (23–06–0740P).	The Honorable G.T. Bynum, Mayor, City of Tulsa, 175 East 2nd Street, Suite 15–87, Tulsa, OK 74103.	City Hall, 175 East 2nd Street, Suite 450, Tulsa, OK 74103.	Feb. 15, 2024	405381
Tulsa (FEMA Docket No.: B–2395).	Muscogee (Creek) Nation (23–06–0740P).	David Hill, Principal Chief, Muscogee (Creek) Nation, P.O. Box 580, Okmulgee, OK 74447.	Muscogee (Creek) Nation, 1000 OK–56, Okmulgee, OK 74447.	Feb. 15, 2024	405384
Tennessee: Wilson (FEMA Docket No.: B–2395).	City of Lebanon (22–04–5900P).	The Honorable Rick Bell, Mayor, City of Lebanon, 200 North Castle Heights Avenue, Lebanon, TN 37087.	Engineering Department, 200 North Castle Heights Avenue, Lebanon, TN 37087.	Feb. 15, 2024	470208
Wilson (FEMA Docket No.: B–2395).	Unincorporated areas of Wilson County (22–04–5900P).	The Honorable Randall Hutto, Mayor, Wilson County, 228 East Main Street, Lebanon, TN 37087.	Wilson County, Engineering Department, 228 East Main Street Lebanon, TN 37087.	Feb. 15, 2024	470207
Texas:					
Collin (FEMA Docket No.: B–2401).	City of Celina (23–06–0718P).	The Honorable Ryan Tubbs, Mayor, City of Celina, 142 North Ohio Street, Celina, TX 75009.	City Hall, 142 North Ohio Street, Celina, TX 75009.	Feb. 20, 2024	480133
Collin (FEMA Docket No.: B–2391).	City of Plano (23–06–1596P).	The Honorable John B. Muns, Mayor, City of Plano, 1520 K Avenue, Plano, TX 75074.	Engineering Department, 1520 K Avenue, Plano, TX 75074.	Feb. 26, 2024	480140
Dallas (FEMA Docket No.: B–2401).	City of Dallas (23–06–1122P).	The Honorable Eric Johnson, Mayor, City of Dallas, 1500 Marilla Street, Suite 5EN, Dallas, TX 75201.	Floodplain Management Department, 2245 Irving Boulevard, 2nd Floor, Dallas, TX 75207.	Mar. 4, 2024	480171
Denton (FEMA Docket No.: B–2401).	Town of Argyle (23–06–1120P).	The Honorable Rick Bradford, Mayor, Town of Argyle, P.O. Box 609, Argyle, TX 76226.	Town Hall, 308 Denton Street, Argyle, TX 76226.	Mar. 1, 2024	480775

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Denton (FEMA Docket No.: B–2401).	Town of Flower Mound (23–06–1120P).	The Honorable Derek France, Mayor, Town of Flower Mound, 2121 Cross Timbers Road, Flower Mound, TX 75028.	Town Hall, 2121 Cross Timbers Road, Flower Mound, TX 75028.	Mar. 1, 2024	480777
Grayson (FEMA Docket No.: B–2401).	City of Denison (23–06–0905P).	The Honorable Janet Gott, Mayor, City of Denison, 300 West Main Street, Denison, TX 75020.	Department of Public Works, 300 West Main Street, Denison, TX 75020.	Feb. 20, 2024	480259
Harris (FEMA Docket No.: B–2401).	Unincorporated areas of Harris County (22–06–2700P).	The Honorable Lina Hidalgo, Harris County Judge, 1001 Preston Street, Suite 911 Houston, TX 77002.	Harris County Permit Office, 1111 Fannin Street, 8th Floor, Houston, TX 77002.	Mar. 4, 2024	480287
Midland (FEMA Docket No.: B–2391).	City of Midland (23–06–1603P).	The Honorable Lori Blong, Mayor, City of Midland, 300 North Loraine Street, Midland, TX 79701.	City Hall, 300 North Loraine Street, 5th Floor, Midland, TX 79701.	Feb. 20, 2024	480477.
Palo Pinto (FEMA Docket No.: B–2395).	City of Mineral Wells (22–06–3015P).	The Honorable Regan Johnson, Mayor, City of Mineral Wells, 115 Southwest 1st Street, Mineral Wells, TX 76067.	City Hall, 115 Southwest 1st Street, Mineral Wells, TX 76067.	Mar. 4, 2024	480517
Parker (FEMA Docket No.: B–2395).	City of Willow Park (23–06–0997P).	Bryan Grimes Manager, City of Willow Park, 120 El Chico Trail, Suite A, Willow Park, TX 76087.	City Hall, 120 El Chico Trail, Suite A, Willow Park, TX 76087.	Feb. 14, 2024	481164
Parker (FEMA Docket No.: B–2395).	Unincorporated areas of Parker County (23–06–0997P).	The Honorable Pat Deen, Parker County Judge, 1 Courthouse Square, Weatherford, TX 76086.	Parker County Courthouse, 1 Courthouse Square, Weatherford, TX 76086.	Feb. 14, 2024	480520
Tarrant (FEMA Docket No.: B–2391).	City of Arlington (23–06–1165P).	The Honorable Jim Ross, Mayor, City of Arlington, P.O. Box 90231, Arlington, TX 76004.	Public Works Department, 101 West Abram Street, Arlington, TX 76010.	Feb. 26, 2024	485454
Tarrant (FEMA Docket No.: B–2391).	City of Fort Worth (23–06–1609P).	The Honorable Mattie Parker, Mayor, City of Fort Worth, 200 Texas Street, Fort Worth, TX 76102.	Transportation and Public Works Department, Engineering Vault, 200 Texas Street, Fort Worth, TX 76102.	Feb. 20, 2024	480596
Virginia: Loudoun (FEMA Docket No.: B–2395).	Unincorporated areas of Loudoun County (23–03–0390P).	Tim Hemstreet, Loudoun County Administrator, 1 Harrison Street, Southeast, 5th Floor, Leesburg, VA 20175.	Loudoun County Government Center, 1 Harrison Street, Southeast, 3rd Floor, MSC #60, Leesburg, VA 20175.	Mar. 4, 2024	510090

[FR Doc. 2024–05965 Filed 3–20–24; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0013]

Agency Information Collection Activities; Revision of a Currently Approved Collection: Application for Travel Document

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting 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. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until April 22, 2024.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be submitted via the Federal eRulemaking Portal website at *http://www.regulations.gov* under e-Docket ID number USCIS–2007–0045. Comments must be submitted in English, or an English translation must be provided. All submissions received must include the OMB Control Number 1615–0013 in the body of the letter, the agency name and Docket ID USCIS–2007–0045.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, telephone number (240) 721–3000 (This is not a toll-free number; comments are not accepted via telephone message.). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS Contact Center at (800) 375–5283; TTY (800) 767–1833.

SUPPLEMENTARY INFORMATION:

Comments

The information collection notice was previously published in the **Federal Register** on December 7, 2023, at 88 FR 85299, allowing for a 60-day public comment period. USCIS did receive five comments in connection with the 60-day notice.

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2007–0045 in the search box. Comments must be submitted in English, or an English translation must be provided. The comments submitted to USCIS via this method are visible to the Office of Management and Budget and comply with the requirements of 5 CFR 1320.12(c). All submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a currently approved collection.

(2) *Title of the Form/Collection:* Application for Travel Document.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I–131; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. Certain individuals, principally lawful permanent residents, conditional permanent residents, refugees, asylees, applicants for adjustment of status, noncitizens with pending Temporary Protected Status (TPS) applications and granted TPS, eligible recipients of Deferred Action for Childhood Arrivals (DACA), noncitizens inside the United States seeking an Advance Parole Document, noncitizens outside the United States seeking a Parole Document, previously paroled noncitizens inside the United States who are seeking a new period of parole, and CNMI long-term residents seeking Advance Permission to Travel to allow them to travel to the United States and lawfully enter or reenter the United States. U.S. citizens and lawful permanent residents will no longer utilize Form I–131 to request an initial grant of parole for their eligible family members under the Cuban Family Reunification Parole (CFRP) or Haitian Family Reunification Parole (HFRP) processes.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection Form I–131 (paper) is 976,639 and the estimated hour burden per response is 3.1 hours; the estimated total number of respondents for the information collection Form I–131 (online) is 30,205 and the estimated hour burden per response is 2 hours; the estimated total number of respondents for biometrics processing is 49,615 and the estimated hour burden per response is 1.17 hours; the estimated total number of respondents for passport-style photos is 16,600 and the estimated hour burden per response is 0.5 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 3,146,040 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $296,177,940.

Dated: March 15, 2024.

Samantha L. Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2024–05984 Filed 3–20–24; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R7–FAC–2023–N094; FXFR133407AFWFP–245–FF07CAAN00; OMB Control Number 1018–New]

Agency Information Collection Activities; Submission to the Office of Management and Budget; Yukon River Watershed Ecosystem Action Plan

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Fish and Wildlife Service (Service), are proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before April 22, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection request (ICR) should be submitted within 30 days of publication of this notice at *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. Please provide a copy of your comments to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS: PRB (JAO/3W), 5275 Leesburg Pike, Falls Church, VA 22041–3803 (mail); or by email to *Info_Coll@fws.gov.* Please reference ''1018—Yukon River WEAP'' in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: Madonna L. Baucum, Service Information Collection Clearance Officer, by email at *Info_Coll@fws.gov,* or by telephone at (703) 358–2503. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act (PRA; 44 U.S.C. 3501 *et seq.*) and its implementing regulations in the Code of Federal Regulations (CFR) at 5 CFR 1320, all information collections require approval under the PRA. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

On August 17, 2023, we published in the **Federal Register** (88 FR 56044) a notice of our intent to request that OMB approve this information collection. In that notice, we solicited comments for 60 days, ending on October 16, 2023. In an effort to increase public awareness of, and participation in, our public commenting processes associated with information collection requests, the Service also published the **Federal Register** notice on *Regulations.gov* (Docket No. FWS–R7–FAC–2023–0094) to provide the public with an additional method to submit comments (in addition to the typical *Info_Coll@fws.gov* email and U.S. mail submission methods). We received one anonymous comment in response to that notice which did not address the information collection requirements. Therefore, no response is required.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information

collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

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

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. 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: Under the authority of the Fish and Wildlife Coordination Act (16 U.S.C. 661–666), the Service cooperates with Federal, State, and public or private agencies and organizations in the development, protection, rearing, and stocking of all species of fish and wildlife, resources thereof, and their habitat, in controlling losses of the same from disease or other causes, in minimizing damages from overabundant species. In order to accomplish this purpose, the Service has the authority to conduct surveys and investigations of the wildlife of the public domain, including lands and waters or interests therein acquired or controlled by any agency of the United States. This work will focus on Yukon River Pacific Salmon, which is an interjurisdictional fish and thus a Federal trust species of the public domain.

The Yukon River runs about 2,000 miles from its headwaters in British Columbia to the Bering Sea, flowing through dozens of communities and an international border along the way. Wild native salmon have been a mainstay of the diet of local people since time immemorial and are vital to supporting the health, culture, and economy of rural communities in the Yukon Watershed today. Salmon stock declines resulting in subsistence fishery closures are therefore of grave concern; habitat alteration, climate change, and fishing are likely contributing factors. The goal of this project is to prepare a watershed ecosystem action plan (WEAP) that is directed by local communities, informed by traditional ecological knowledge (TEK), reviewed by experts, and catalyzes meaningful action.

The people of the Yukon River rely heavily on the watershed's natural resources to feed their families and support their culture. The Yukon River Drainage Fisheries Association (YRDFA) will consult directly with Yukon River watershed communities and incorporate TEK to complete a comprehensive assessment and prioritization of habitat restoration needs, to be documented in a watershed-wide action plan. This project will employ residents of the rural Yukon villages to carry out this effort to the greatest extent possible. This project will take place over a 5-year time period and will result in a WEAP that can be used to understand and develop actions to address the ongoing crisis of salmon declines.

The YRDFA plans to kick this project off by consulting with local communities and TEK. On-the-ground assessments will also be completed by local community members. The information collected will be used to draft an action plan that prioritizes the known threats to the watershed. The WEAP will identify specific restoration projects that are likely to improve the health of the watershed. The Service's Habitat Restoration Program will provide technical support to create scopes of work and cost estimates for the highest priority projects that are identified by the WEAP. The identification of specific, high-priority projects with scoping and cost documents will allow project partners to work with landowners to pursue funding from both public and private sources to improve the health of the watershed.

We developed these surveys in consultation with the Yukon River Drainage Fisheries Association, an organization created to conserve Yukon salmon runs by giving a voice to the Alaska Native people who have managed the resource for thousands of years; the Yukon River Inter-Tribal Watershed Council, an Indigenous grassroots non-profit organization, consisting of 73 First Nations and Tribes, dedicated to the protection and preservation of the Yukon River watershed; and the State of Alaska. This survey proposes to collect the following information from community members who voluntarily attend community meetings and Elders within the Alaska Native communities, to address growing concerns about the health of the Yukon River watershed and to generate a historical timeline of observed changes that affect Yukon River salmon:

1. Community meeting surveys will ask for respondents to provide their top three concerns for the health of the watershed, to identify community organizations who are working on these concerns, and to provide locations for their concerns, if appropriate. This information will be used to identify actions that can be taken to improve the health of the habitats in the watershed which support Pacific Salmon and to partner with communities to address their highest priority needs.

2. Using a qualitative semi-structured interview protocol, we will ask respondents general questions about their background and fishing experiences, followed by questions about their observations of changes in the environment and in the salmon populations. The protocol will continue with questions about their ways of knowing when the salmon will arrive, how to predict salmon health and run strength, and any concerns they may have. This information will be used to generate a historical timeline of observed changes that may affect salmon on the Yukon River.

In addition to participating in the interviews, respondents are also requested to complete a consent form. The consent form provides the respondent with the name and contact number for the project leads and requests personally identifiable information (name, mailing address, and phone number). This informed consent provides basic information about the project, which includes the purpose of the research, the funder, information about what we will do with the results, and the fact that participation in the interview is voluntary and they can participate anonymously.

The surveys will be conducted for a 5-year period, beginning in 2024. This project is funded by the Service, the State of Alaska, and the National Oceanic and Atmospheric Association. The information produced through

these interviews will be used to provide a holistic and long-term understanding of Yukon River salmon, their environment, and threats to their sustainability.

Title of Collection: Yukon River Watershed Ecosystem Action Plan.

OMB Control Number: 1018–New.

Form Number: None.

Type of Review: New.

Respondents/Affected Public: Individuals/households.

Total Estimated Number of Annual Respondents: 420 (280 respondents for the Watershed Community Survey and 140 respondents for the Yukon Watershed TEK Interviews.

Total Estimated Number of Annual Responses: 420.

Estimated Completion Time per Response: 15 minutes for the Yukon Watershed Community Survey and 1 hour for the Yukon Watershed TEK Interviews.

Total Estimated Number of Annual Burden Hours: 210.

Respondent's Obligation: Voluntary.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: None.

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.*).

Madonna Baucum,

Information Collection Clearance Officer, U.S. Fish and Wildlife Service.

[FR Doc. 2024–05994 Filed 3–20–24; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BLM_CO_FRN_MO4500178021]

Notice of Joint Meeting of Colorado's Northwest and Southwest Resource Advisory Councils and Meeting of the Northwest Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meetings.

SUMMARY: In accordance with the Federal Land Policy and Management Act of 1976 and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management (BLM) Colorado's Northwest Resource Advisory Council (RAC) and Southwest RAC will meet as follows.

DATES: The Northwest RAC and Southwest RAC will host a field tour on May 1, 2024, from 10 a.m. to approximately 3 p.m. Mountain Time (MT) and a meeting on May 2, 2024, from 9 a.m. to 4:30 p.m. MT. The Northwest RAC will host a field tour on Aug. 21, 2024, from 10 a.m. to approximately 3 p.m. MT and a meeting on Aug. 22, 2024, from 8 a.m. to 3:30 p.m. MT. All field tours and meetings are open to the public.

ADDRESSES: The May 1 field tour will commence and conclude at the Bill Heddles Recreation Center, 531 N Palmer Street, Delta, CO 81416. Attendees will travel to the Dominguez-Escalante National Conservation Area (NCA). The May 2 meeting will be held at the Bill Heddles Recreation Center. The Zoom virtual registration link for this meeting is *https://blm.zoomgov.com/meeting/register/vJIsf-Gorj8uGS2ns2SaoQcPh6GKVTX7fYU.* The Aug. 21 field tour will commence and conclude at the Grand Junction Field Office, 2815 H Road, Grand Junction, CO 81506. Attendees will tour the West Salt area. The Aug. 22 meeting will be held at the Grand Junction Field Office. The Zoom virtual registration link for this meeting is *https://blm.zoomgov.com/meeting/register/vJItcemhqjsjG_jwFKcMQR8l1qsWtyh1bXM.*

FOR FURTHER INFORMATION CONTACT: JD Emerson, Public Affairs Specialist; BLM Northwest District Office, 455 Emerson St., Craig, CO 81625; telephone: 970–826–5101; email: *jemerson@blm.gov.* Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services for contacting JD Emerson. 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 15-member Northwest and Southwest RACs advise the Secretary of the Interior, through the BLM, on a variety of public land issues. The Northwest RAC advises the BLM Northwest District, which includes the Kremmling, Little Snake, and White River field offices; and the Upper Colorado River Valley District, which includes the Grand Junction and Colorado River Valley Field Offices along with the Dominguez-Escalante and McInnis Canyons NCAs. The Southwest RAC advises the BLM Southwest District, which includes the Gunnison, Tres Rios, and Uncompahgre Field Offices.

The two RACs will participate in a field tour on May 1 within the Dominguez-Escalante Canyon NCA. Agenda items for the May 2 meeting include a discussion of the Dominguez-Escalante Canyon NCA Business Plan, the Escalante Ranch Acquisition, and field manager updates. A public comment period is scheduled at 2:30 p.m. MT. The Northwest RAC will conduct of field tour on Aug. 21 of the West Salt area. Agenda items for the Aug. 22 meeting include a review and discussion on the North Sandhills Recreation Area Business Plan, updates on Herd Management Areas, and field manager updates. A public comment period is scheduled at 2:30 p.m. MT. Public comments may be limited due to time constraints. The public may present written comments at least 2 weeks in advance of the meetings to the contact listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice. Please include ''RAC Comment'' in your submission. 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.

Members of the public are welcome to attend field tours but must provide their own transportation and meals. Individuals who plan to attend must RSVP at least 2 weeks in advance of the field tours to the contact listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice. Additional information regarding the field tours and meetings will be available on the RAC's web page *https://www.blm.gov/get-involved/resource-advisory-council/near-you/colorado/northwest-rac.*

Detailed meeting minutes for the RAC meetings will be maintained in the Northwest District Office and will be available for public inspection and reproduction during regular business hours within 90 days following the meeting. Previous minutes and agendas are also available on the RAC's web page.

Please make requests in advance for sign language interpreter services, assistive listening devices, or other reasonable accommodations. We ask that you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice at least 7 business days prior to the meeting to give the Department of the Interior sufficient

time to process your request. All reasonable accommodation requests are managed on a case-by-case basis.

(Authority: 43 CFR 1784.4–2)

Douglas J. Vilsack,

BLM Colorado State Director.

[FR Doc. 2024–06046 Filed 3–20–24; 8:45 am]

BILLING CODE 4331–16–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[Docket No. BOEM–2024–0017]

Gulf of Mexico Wind Lease Sale (GOMW–2) for Commercial Leasing for Wind Power on the Outer Continental Shelf Offshore in the Gulf of Mexico—Proposed Sale Notice

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Proposed sale notice; request for comments.

SUMMARY: The Bureau of Ocean Energy Management (BOEM) proposes to hold Gulf of Mexico Wind Lease Sale (GOMW–2) for multiple lease areas (Lease Areas) using a multiple-factor bidding auction format. BOEM will use new auction software for the lease sale, resulting in changes to its previous auction rules. This Proposed Sale Notice (PSN) contains information pertaining to the areas available for leasing, certain lease provisions and conditions, auction details, lease forms, criteria for evaluating competing bids, award procedures, appeal procedures, and lease execution procedures. The issuance of any lease resulting from this sale would not constitute approval of project-specific plans to develop offshore wind energy. Such plans, if submitted by the Lessee, would be subject to subsequent environmental, technical, and public reviews prior to a BOEM decision whether or not to approve them.

DATES: Comments must be submitted electronically or postmarked received by BOEM no later than May 20, 2024. All comments received or postmarked during the comment period will be made available to the public and considered prior to publication of the Final Sale Notice (FSN).

For prospective bidders who wish to participate in this lease sale: Unless you have received confirmation from BOEM that you are qualified to participate in the GOMW–2, BOEM must receive your qualification materials no later than May 20, 2024, and, prior to the auction, BOEM must confirm your qualification to bid in the auction.

ADDRESSES: Potential auction participants, Federal, State, and local government agencies, Tribal governments, and other interested parties are requested to submit written comments on the PSN in one of the following ways:

- *Electronically: https://www.regulations.gov.* In the search box, enter ''BOEM–2024–0017'' and click ''Search.'' Follow the instructions to submit public comments.
- *Written Comments:* Submit written comments in an envelope labeled ''Comments on GOMW–2 Lease Sale PSN'' and delivering them by U.S. mail or other delivery service to Bureau of Ocean Energy Management, Office of Leasing and Plans, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123.

Qualifications Materials: To qualify to participate in a lease sale following the publication of this PSN, qualification materials should be developed in accordance with the following guidelines (*https://www.boem.gov/Renewable-Energy-Qualification-Guidelines/*) and submitted to Renee Bigner, Bureau of Ocean Energy Management, Office of Leasing and Plans, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123 or electronically to *renewableenergygomr@boem.gov.* If you wish to protect the confidentiality of your comments or qualification materials, clearly mark the relevant sections and request that BOEM treat them as confidential. Please label privileged or confidential information with the caption ''Contains Confidential Information'' and consider submitting such information as a separate attachment. Treatment of confidential information is addressed in section XXI, ''Protection of Privileged or Confidential Information.'' Information that is not labeled as privileged or confidential will be regarded by BOEM as suitable for public release.

FOR FURTHER INFORMATION CONTACT: Renee Bigner, Bureau of Ocean Energy Management, Office of Leasing and Plans, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123, (504) 736–7623 or *renee.bigner@boem.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Request for Interest: On June 11, 2021, BOEM published a Request for Interest (RFI) for commercial leasing for wind power development on the Gulf of Mexico OCS. The RFI Area comprised the entire Central Planning Area (CPA) and Western Planning Area (WPA) of the Gulf of Mexico, excluding the portions of those areas located in water depths greater than 1,300 meters. BOEM received 39 comments from the general public; Federal, State and local agencies; the fishing industry; industry groups; developers; Non-Governmental Organizations (NGOs); universities; and other stakeholders. The subjects receiving the most comments were fisheries and marine mammals. Five developers submitted indications of interest for a commercial wind energy lease within the RFI Area in response to the RFI.

Call for Information and Nominations: On November 1, 2021, BOEM published the Call for Information and Nominations—Commercial Leasing for Wind Power Development on the Outer Continental Shelf in the Gulf of Mexico.[1] The Call Area comprised the area located seaward of the Gulf of Mexico Submerged Lands Act Boundary, bounded on the east by the north-south line located at −89.857° W longitude, and bounded on the south by the 400-meter bathymetry contour and the U.S. Mexico Maritime Boundary established by the Treaty between the Government of the United States of America and the Government of the United Mexican States on the Delimitation of the Continental Shelf in the Western Gulf of Mexico beyond 200 Nautical Miles (U.S.-Mexico Treaty), which took effect in January 2001. BOEM received 40 comments from the general public, Federal, State, and local agencies, fishing industry, industry groups, developers, NGOs, universities, and other stakeholders. The subjects receiving the most comments were fisheries and marine mammals. Five developers nominated areas for a commercial wind energy lease within the Call Area in response to the Call.

GOMW–1 Area Identification: After the close of the Call comment period on December 16, 2021, BOEM initiated the Area Identification (Area ID) process by reviewing the input received to date. On July 20, 2022, BOEM announced it was seeking public comments on two preliminary WEAs. The first WEA was located approximately 24 nautical miles (nm) off the coast of Galveston, TX, covered a total of 546,645 acres, and had the potential to power 2.3 million homes with clean wind energy. The second WEA was located approximately 56 nm off the coast of Lake Charles, LA, covered a total of 188,023 acres, and had the potential to power 799,000 homes. The public comment period was open for 30-calendar days.

For purposes of recommending the Preliminary WEAs, BOEM considered

[1] *https://www.boem.gov/83-FR-15602/.*

the following non-exclusive list of information sources: comments and nominations received on the RFI and Call; information from the GOM Intergovernmental Renewable Energy Task Force; input from Alabama, Mississippi, Louisiana, and Texas State agencies; input from Federal agencies, *e.g.,* Department of Defense (DoD), and U.S. Coast Guard (USCG); comments from stakeholders and ocean users, including the maritime community, offshore wind developers, and the commercial fishing industry; State and local renewable energy goals; and information on domestic and global offshore wind market and technological trends.

BOEM received ocean users' feedback requesting BOEM to consider using an existing ocean planning model previously used in the GOM for the National Oceanic and Atmospheric Administration's (NOAA) Aquaculture Opportunity Areas for ocean planning purposes. In response, BOEM used the ocean planning model to help support the identification of Preliminary WEAs.

BOEM's process to identify Preliminary WEAs in the GOM was based on rigorous science, detailed in the ''A Wind Energy Area Siting Analysis for the Gulf of Mexico Call Area'' report (*https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/GOM-WEA-Modeling-Report-Combined.pdf*), to drive an informed, forward-looking, and sustainable industry to maximize operational efficiency and limit adverse interactions with other industries or natural resources. Additionally, BOEM's Gulf of Mexico Regional Office (GOMR) and the NOAA National Centers for Coastal Ocean Science (NCCOS) collaborated in using an ocean planning tool to identify Preliminary WEAs on the U.S. OCS in the GOM. Preliminary WEAs were identified, based on the best available science and through public engagement, to facilitate wind energy development; support environmental, economic, and social sustainability; and minimize resource use conflicts. The WEA process seeks to identify and minimize potential conflicts in ocean space as well as mitigate interactions with other users and adverse interactions with the environment; the NCCOS model is a tool to help support that effort.

Planning and siting for the WEAs required thorough synthesis and spatial analyses of critical environmental data and ocean space use conflicts. BOEM used Geographic Information Systems (GIS) to integrate pertinent spatial data, perform analyses, and generate map-based products to inform where potential wind energy area(s) would be located within the Call Area. BOEM sought to identify wind energy areas in a manner that avoids or minimizes impacts on environmental resources. The use of this NCCOS model is one approach to meet that objective.

BOEM has engaged in similar ocean planning efforts in other OCS Regions. Ocean planning processes often follow a standard workflow through (1) identification of the planning objective, (2) inventory of data, (3) geospatial analysis of data, (4) interpretation of results, and (5) delivery of map products and reports to decisionmakers and other ocean users. Spatial data are used to represent known or potential environmental and ocean space use conflicts that could constrain, or conditionally constrain, the siting of offshore wind facilities on the U.S. OCS. Using a multi-criteria decision approach allows for evaluation of numerous spatial data types for an area and provides a relative comparison of how suitable the areas are for offshore wind development. Additionally, natural and cultural resources, industry and operations, various fishing activities, logistics, economics, and national security are described and identified in the WEA model suitability analysis, which is discussed in detail in the Gulf of Mexico Wind Energy Area Modeling Report (*https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/GOM-WEA-Modeling-Report-Combined.pdf*).

Additionally, WEA siting informed by ocean planning is helpful in avoiding and minimizing adverse environmental, social, and existing user interactions. Throughout the Area ID process, BOEM used existing datasets to facilitate discussions with ocean users to receive early feedback. BOEM incorporated the feedback from ocean users in the spatial and temporal planning strategies to allow initial compatibility to be assessed while also increasing the efficiency of meaningful communications within and among stakeholders and potentially with industry. The Preliminary WEAs resulting from this analysis are then considered by the decisionmaker to inform the siting of offshore wind.

After the close of the Preliminary WEA comment period on September 2, 2022, BOEM finalized the Area ID process by reviewing the input received from all stakeholders mentioned above.

BOEM completed the Area ID on October 31, 2022, by identifying the following WEAs within the Call Area: Louisiana Coast Region (Lake Charles WEA) and the Texas Coast Region (Galveston WEA). The Area ID announcement and a map of the WEAs are available at: *https://www.boem.gov/renewable-energy/state-activities/gulf-mexico-activities.*

GOMW–2 Area Identification: Offshore wind developers requested that BOEM offer more acreage in the GOM east of Wind Energy Area (WEA) I for leasing. A GOMW–2 sale (combined with GOMW–1) would offer sufficient acreage for leasing to allow for robust development to help meet the State of Louisiana's goal of five GW of offshore wind. BOEM did not issue the GOMW–2 Preliminary WEAs for comment but, to maintain transparency, BOEM sought input from stakeholders through outreach. From June through August 2023, BOEM engaged with Federal partners, federally recognized Tribes, the affected States, as well as other stakeholders and ocean users, to solicit input and feedback on the 11 remaining WEA Options. On August 2, 2023, BOEM held a ''round table'' meeting with major stakeholders to gather input and answer questions on wind development in the GOM and have continued the outreach and engagement conversations to date. BOEM considered and incorporated comments received into the recommendation of these Final WEAs. New data was solicited and reviewed from stakeholders, and BOEM determined that the NCCOS Model, finalized in May 2022, remains the best available model for deconflicting space use considerations. Substantive comments underscored the need to minimize potential impacts to the fisheries industry, consider USCG and DoD missions and potential concerns, and provide sufficient WEA acreage for economic viability. Based on this input, BOEM removed from consideration the WEAs with mid to high levels of potential shrimping impacts and WEA Options with less than 90,000 acres, with the exception of WEA Option N. WEA Option N is being recommended as a final WEA based on potential economic viability due to its proximity to the existing Lake Charles lease area. Therefore, BOEM finalized WEAs J, K, L and N. WEA I, designated as a final WEA for GOMW–1, remains available for leasing.

Environmental Reviews: On January 11, 2021, BOEM published a notice of intent to prepare an environmental assessment (EA) to consider potential environmental consequences of site characterization activities (*e.g.,* biological, archaeological, geological, and geophysical surveys and core samples) and site assessment activities (*e.g.,* installation of meteorological buoys) that are expected to take place after issuance of wind energy leases in

the Call Area. As part of the scoping process for the EA, BOEM sought comments on the issues and alternatives that should inform the EA. BOEM received 18 comments, which can be found at *https://www.regulations.gov* under Docket No. BOEM–2021–0092. In addition to the preparation of the Draft EA, BOEM completed consultations under the Endangered Species Act (ESA) and the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA). On July 20, 2022, BOEM issued a press release soliciting comments on the Draft EA. During the comment period, BOEM held two virtual public meetings, one on August 9, 2022, and another on August 11, 2022. BOEM published the Final EA and Finding of No Significant Impact (FONSI) on May 26, 2023. These documents can be found at *https://www.boem.gov/renewable-energy/state-activities/gulf-mexico-activities.* BOEM is also conducting environmental review, as well as consultation under the Coastal Zone Management Act (CZMA), prior to the GOMW–2 auction. BOEM will conduct additional environmental reviews upon receipt of a Lessee's Construction and Operations Plan (COP) if one or more leases are issued and reach that stage of development. Offshore site assessment and site characterization activities proposed for the purpose of hydrogen, other than those covered in the GOM Wind Lease EA, will also be reviewed at a site-specific and on a case-by-case basis by BOEM. Lessees should coordinate with the BOEM Gulf of Mexico Regional Office before developing a survey plan.

II. Area Proposed for Leasing

BOEM proposes four areas for the GOMW2 lease sale. The areas proposed for leasing will be auctioned as WEA I–1 Lease OCS–G37962, WEA I–2 Lease OCS–G37963, WEA J–1 Lease OCS–G37964, and WEA K–1 Lease OCS–G37965. BOEM chose these lease areas as the most viable options due to their ranking in the suitability modeling, their proximity to shore, and stakeholder feedback.

Lease area name	Lease area ID	Acres
WEA I–1	OCS–G 37962	102,500
WEA I–2	OCS–G 37963	96,786
WEA J–1	OCS–G 37964	108,230
WEA K–1	OCS–G 37965	102,544
Total		*410,060*

Descriptions of the proposed Lease Areas can be found in Addendum ''A'' of the proposed leases, which BOEM has made available with this notice on its website at: *https://www.boem.gov/renewable-energy/state-activities/gulf-mexico-activities*.

a. *Map of the Area Proposed for Leasing:* A map of the Lease Areas, and GIS spatial files X, Y (eastings, northings) UTM Zone 18, NAD83 Datum, and geographic X, Y (longitude, latitude), NAD83 Datum can be found on BOEM's website at: *https://www.boem.gov/renewable-energy/state-activities/gulf-mexico-activities*.

Potential Future Restrictions to Ensure Navigational Safety:

USCG Navigational Safety Measures: Potential bidders should note that portions of the GOM may not be available for future development (*i.e.,* installation of wind energy facilities) because of navigational safety concerns. The USCG recommends that BOEM add a 2-nautical mile (3704 meter) buffer around the shipping fairways. BOEM may require additional mitigation measures at the COP stage when the lessee's site-specific navigational safety risk assessment is available to inform BOEM's decision-making.

Vessel Transit Corridors: Members of the fishing community have requested that offshore wind energy facilities be designed in a manner that, among other things, provides for safe transit to fishing grounds where relevant. The information currently available does not indicate that transit corridors are warranted, but BOEM may nonetheless consider designating portions of a lease as transit corridors. Bidders should be aware that BOEM may include a lease stipulation in the FSN that addresses transit corridors, pending the outcome of additional discussions with ocean users and stakeholders as well as consideration of comments submitted in response to this PSN.

Potential Future Restrictions to Mitigate Potential Conflicts with Department of Defense Activities: Those interested in bidding should be aware of potential conflicts with existing uses of the OCS by DoD. BOEM coordinates with DoD throughout the leasing process.

i. *Air Surveillance and Radar:* A DoD assessment was conducted on the Call Area by the Military Aviation and Installation Assurance Siting Clearinghouse. The North American Aerospace Defense Command mission may be affected by the development of the Lease Area(s). Considering both the expected heights of offshore turbines and future cumulative wind turbine effects, adverse impacts are potentially mitigatable through Radar Adverse-impact Management (RAM). For projects where RAM mitigation is acceptable, BOEM will include the following in any sale notification and project approval conditions:

Lessee will notify NORAD 30–60 days ahead of project completion and, again, when the project is complete and operational for RAM scheduling;

Lessee will contribute funds to DoD of no less than $80,000 toward the execution of the RAM for each radar system affected; and

Curtailment for national security or defense purposes as described in the lease.

BOEM will require the lessee to enter into an agreement with the DoD to implement these conditions and mitigate any identified impacts. Sixth Generation Over the Horizon Radar is currently in development. Offshore wind turbines in the Gulf of Mexico may create adverse impacts to that system. BOEM will further coordinate with DoD and the lessee to deconflict potential impacts throughout the project review stage. Mitigation measures or terms and conditions of a plan approval may result from this coordination effort.

III. Participation in the Proposed Lease Sale

a. *Bidder Participation:* All entities who would like to participate in this proposed GOM lease sale must submit the required qualification materials to BOEM by the end of the 60-day comment period for this PSN.

b. *Affiliated Entities:* On the Bidder's Financial Form (BFF), discussed below, eligible bidders must list any other eligible bidders with whom they are affiliated. For the purpose of identifying affiliated entities, a bidding entity is any individual, firm, corporation,

association, partnership, consortium, or joint venture (when established as a separate entity) that is participating in the same auction. BOEM considers bidding entities to be affiliated when:

i. They own or have common ownership of more than 50 percent of the voting securities, or instruments of ownership or other forms of ownership, of another bidding entity. Ownership of less than 10 percent of another bidding entity constitutes a presumption of non-control that BOEM may rebut.

ii. They own or have common ownership of 10 through 50 percent of the voting securities or instruments of ownership, or other forms of ownership, of another bidding entity, and BOEM determines that there is control upon consideration of factors including the following:

a. The extent to which there are common officers or directors.

b. With respect to the voting securities, or instruments of ownership or other forms of ownership: The percentage of ownership or common ownership, the relative percentage of ownership or common ownership compared to the percentage(s) of ownership by other bidding entities, if a bidding entity is the greatest single owner, or if there is an opposing voting bloc of greater ownership.

c. Shared ownership, operation, or day-to-day management of a lease, grant, or facility, as those terms are defined in BOEM's regulations at 30 CFR 585.112.

iii. They are both direct, or indirect, subsidiaries of the same parent company.

iv. If, with respect to any lease(s) offered in this auction, they have entered into an agreement prior to the auction regarding the shared ownership, operation, or day-to-day management of such lease.

v. Other evidence indicates the existence of power to exercise control, such as evidence that one bidding entity has power to exercise control over the other, or that multiple bidders collectively have the power to exercise control over another bidding entity or entities.

Affiliated entities are not permitted to compete against each other in the auction. Where two or more affiliated entities have qualified to bid in the auction, the affiliated entities must decide prior to the auction which one (if any) will participate in the auction. If two or more affiliated entities attempt to participate in the auction, BOEM will disqualify those bidders from the auction.

IV. Questions For Stakeholders

Stakeholders are encouraged to comment on any matters related to this proposed lease sale that are of interest or concern to them. However, BOEM has identified the following issues as particularly important, and we encourage commenters to address these issues specifically:

a. *Number, size, orientation, and location of the proposed Lease Areas:* In this PSN, BOEM proposes to offer four Lease Areas in the GOM. BOEM is seeking feedback on the proposed number, size, orientation, and location of the Lease Areas and welcomes comments on which Lease Areas, if any, should be prioritized for inclusion, or exclusion, from this lease sale.

Considerations for the delineation of a Lease Area: These delineation considerations may include comparable commercial viability and size; prevailing wind direction and minimal wake effects; maximized energy generating potential; mooring system anchor footprints and extents; possible setbacks at Lease Area boundaries; distance to shore, port infrastructure, and electrical grid interconnections; and fair return to the Federal Government pursuant to the Outer Continental Shelf Lands Act through competition for commercially viable lease areas. Additional comments are welcome regarding other considerations for delineating Lease Areas.

Transit corridors: BOEM welcomes comments on the potential need for including defined transit corridors within the proposed Lease Area and the degree to which such corridors might meet potential users' needs.

Existing uses that may be affected by the development of the proposed Lease Areas: If transit corridors are warranted, what would be the preferred placement and orientation (length, width, etc.) that would facilitate continuance of existing uses? BOEM asks commenters to submit technical and scientific data in support of their comments.

Benefits to underserved communities: Executive Order 13985, ''Advancing Racial Equity and Support for Underserved Communities Through the Federal Government'' states ''the Federal Government should pursue a comprehensive approach to advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality.'' Executive Order 14008, ''Tackling the Climate Crisis at Home and Abroad'' states that in order ''to secure an equitable economic future, the United States must ensure that environmental and economic justice are key considerations in how we govern. That means investing and building a clean energy economy that creates well-paying union jobs, turning disadvantaged communities—historically marginalized and overburdened—into healthy, thriving communities, and undertaking robust actions to mitigate climate change while preparing for the impacts of climate change across rural, urban, and Tribal areas.''

Consistent with its statutory and regulatory authorities, BOEM is considering lease stipulations to ensure that communities, particularly underserved communities, are considered and engaged early and often throughout the offshore wind energy development process; that potential impacts and benefits from lessees' projects are documented; and lessees' project proposals are informed by or altered to address those impacts and benefits.

BOEM invites comments on the appropriate mechanisms and evaluation metrics of these additional lease requirements. Commenters are encouraged to describe how these, or similar measures, would further the development of the proposed Lease Areas and the purposes of subsection 8(p) of the Outer Continental Shelf Lands Act (OCSLA). BOEM requests that commenters provide references to any studies that support their recommendations.

f. *Bidding Credit for Workforce Training or Supply Chain Development:* BOEM seeks comments on whether there are additional activities that should qualify for this bidding credit or are there other changes to the structure of the credit that will best aid in developing a sustained and robust U.S. offshore wind workforce and/or energy supply chain?

g. *Bidding Credit for Fisheries Compensatory Mitigation Fund:* BOEM seeks comment on its proposal for a fisheries compensatory mitigation fund and the associated bidding credit.

h. *Native American Tribes, ocean users, and stakeholder engagement:* In an effort to require early and regular lessee engagement with affected stakeholders, BOEM is proposing a lease stipulation that would require lessees to provide a semi-annual (*i.e.,* every 6 months) progress report that summarizes engagement with Native American Tribes and ocean users potentially affected by proposed activities on the lease or proposed project easement. The progress report would identify and describe: all existing users; the lessee's engagement with

those users; efforts to avoid, minimize, or mitigate any conflict between the existing users and the lessee; disproportionate impacts to environmental justice communities; and planned next steps to engage those users and address identified conflicts. The lease stipulation specifically would require coordination with the commercial fishing industry and consideration of potential conflicts prior to proposing a wind turbine layout in the COP. BOEM seeks comment on this concept generally, as well as comment on the contents and timing of such reports.

i. *Coordinated engagement:* BOEM seeks comments on other methods to improve coordination and engagement among lessees, federally recognized Tribes, and other stakeholders. Specifically, BOEM is soliciting input on how to improve the frequency, duration, and sustainability of collaborative engagement among these parties, as well as the preferred form it should take (in-person, webinar, facilitated meeting, etc.). BOEM recognizes its responsibility under Executive Order 13175 to conduct government-to-government consultations with Tribal governments. Coordinated engagement between federally recognized Tribes and lessees that may be required in a future lease would be in addition to BOEM's responsibilities. To illustrate the intent of this question, one possible lease term to facilitate coordinated engagement could be to require lessees to hold coordination meetings at regular intervals throughout the year (*i.e.,* quarterly, biannually, annually, etc.). During these meetings, lessees would share information and updates about their activities with federally recognized Tribes and other stakeholders and solicit feedback and input about lessee activities. These meetings would not substitute for government-to-government meetings between Tribes and Federal agencies, including BOEM.

j. *Prescribed layouts:* BOEM seeks comment about whether BOEM should consider prescribing uniform and aligned turbine layouts in the Lease Area. Would the establishment of uniform turbine layouts negate the need for established transit corridors?

k. *Removal of Limits on the Number of Lease Areas per Bidder:* BOEM proposes to allow each qualified entity to bid on and potentially acquire as many Lease Areas as are offered in the GOMW–2 sale. In the Atlantic and Pacific OCS Regions, BOEM has often used a one-per-customer rule so that more lessees will be competing for State clean energy offtake procurements. However, States adjacent to the GOM Lease Areas do not have statutory or enforceable offshore wind targets. Rather, offshore wind energy is more likely to be sold directly to large industrial customers or serve as the electricity source for hydrogen. Allowing lessees to win multiple lease areas may provide for economies of scale and more efficient development. BOEM is seeking feedback on the proposed unlimited eligibility on, and potential acquisition of, all four of the Lease Areas offered in the GOMW–2 sale.

l. *Industry standards for environmental protection:* Are there new industry standards (*e.g.,* new or improved technology, vessel design or operating procedures, etc.) for environmental protection during any phase of development that BOEM should consider?

m. *Production of Hydrogen on the Lease:* BOEM has made revisions to the lease to explicitly include the production of hydrogen or other energy products using wind turbine generators on the lease. BOEM welcomes feedback on these changes and whether additional changes are necessary to fully accommodate hydrogen production.

V. Proposed Lease Sale Deadlines and Milestones

This section describes the major deadlines and milestones in the auction process from publication of this PSN to execution of a lease issued pursuant to this sale.

a. The PSN Comment Period:

i. *Submit Comments:* The public is invited to submit comments during this 60-day period, which will expire on May 20, 2024. All comments received or postmarked during the comment period will be made available to the public and considered by BOEM prior to publication of the FSN.

Public Auction Seminar: BOEM will host a public seminar to discuss the lease sale process and the auction format. The time and place of the seminar will be announced by BOEM and published on the BOEM website at *https://www.boem.gov/renewable-energy/state-activities/gulf-mexico-activities.* No registration or RSVP is required to attend.

Submit Qualifications Materials: For prospective bidders who want to participate in this lease sale: All qualification materials must be received by BOEM by May 20, 2024. This includes materials sufficient to establish a company's legal, technical, and financial qualifications pursuant to 30 CFR 585.107–.108. To qualify to participate in this lease sale, qualification materials would need to be developed in accordance with the guidelines available at *https://www.boem.gov/Renewable-Energy-Qualification-Guidelines/.*

Confidential Information: If you wish to protect the confidentiality of your comments or qualification materials, clearly mark the relevant sections and request that BOEM treat them as confidential. Please label privileged or confidential information with the caption ''Contains Confidential Information'' and consider submitting such information as a separate attachment. Treatment of confidential information is addressed in Section XXI entitled ''Protection of Privileged or Confidential Information.'' Information that is not labeled as privileged or confidential would be regarded by BOEM as suitable for public release.

b. End of PSN Comment Period to FSN Publication:

i. *Review Comments:* BOEM will review all comments submitted in response to the PSN during the comment period.

Finalize Qualifications Reviews: Prior to the publication of the FSN, BOEM will complete any outstanding reviews of bidder qualifications materials submitted during the PSN comment period. The final list of qualified bidders will be published in the FSN.

Prepare the FSN: BOEM will prepare the FSN by updating information contained in the PSN where appropriate.

Publish FSN: BOEM will publish the FSN in the **Federal Register** at least 30 days before the date of the sale.

c. *FSN Waiting Period:* During the period between FSN publication and the lease auction (*i.e.,* a minimum of 30 days), qualified bidders are required to take several steps to remain eligible to participate in the auction.

i. *Bidder's Financial Form:* Each bidder must submit a BFF to BOEM to participate in the auction. The BFF must include each bidder's conceptual strategy for each non-monetary bidding credit for which that bidder would like to be considered. BOEM must receive each bidder's BFF no later than the date listed in the FSN. BOEM may consider extensions to this deadline only if BOEM determines that the failure to timely submit a BFF was caused by events beyond the bidder's control. The proposed BFF can be downloaded at: *https://www.boem.gov/renewable-energy/state-activities/gulf-mexico-activities.*

Once BOEM has processed a bidder's BFF, the bidder is allowed to log into *pay.gov* and submit a bid deposit. For purposes of this auction, BOEM will not

consider BFFs submitted by bidders for previous lease sales. An original signed BFF may be mailed to BOEM's GOM Regional Office for certification. A signed copy of the form may be submitted in PDF format to *renewableenergy@boem.gov.* A faxed copy will not be accepted. Your BFF submission should be accompanied with a transmittal letter on company letterhead. The BFF must be executed by an authorized representative listed on the bidder's legal qualifications in the BFF, in accordance with 18 U.S.C. 1001 (fraud and false statements). Additional information regarding the BFF may be found below in Section IX entitled ''Bidder's Financial Form.''

Bid Deposit: Each qualified bidder must submit a bid deposit of $2,000,000 for one (1) Lease Area. If the FSN allows bidders to bid for and potentially win more than one Lease Area, each qualified bidder must submit a bid deposit of $2,000,000 per Lease Area. For example, if a qualified bidder wanted to bid on and potentially acquire four (4) Lease Areas, the bidder would need to submit a bid deposit of $8,000,000. Further information about bid deposits can be found below in Section X ''Bid Deposit.''

d. *Notification of Eligibility for Non-Monetary Credits:* Prior to the Mock Auction, BOEM will notify each bidder of its determination of eligibility for bidding credits for each auction in which it is participating.

e. *Mock Auction:* BOEM will hold a Mock Auction that is open only to qualified bidders who have met the requirements and deadlines for auction participation, including submission of the bid deposit. The Mock Auction is intended to give bidders an opportunity to clarify auction rules, test the functionality of the auction software, and identify any potential issues that may arise during the auction. Final details of the Mock Auction will be provided in the FSN.

f. *The Auction:* BOEM, through its contractor, will hold an auction, as described in the FSN. The auction will take place no sooner than 30 days following the publication of the FSN in the **Federal Register**. The estimated timeframes described in this PSN assume that the auction will take place approximately 45 days after the publication of the FSN. Final dates will be included in the FSN. BOEM will announce the provisional winners of the lease sale after the auction ends.

g. From the Auction to Lease Execution:

i. *Refund Non-Winners:* Once the provisional winners have been announced, BOEM will provide the non-winners with a written explanation of why they did not win and return their bid deposits.

Department of Justice (DOJ) Review: DOJ will have 30 days in which to conduct an antitrust review of the auction, pursuant to 43 U.S.C. 1337(c).

Delivery of the Lease: BOEM will send three lease copies to each winner, with instructions on how to execute the lease. Once the lease has been fully executed, a provisional winner becomes an auction winner. The first year's rent is due 45-calendar days after the winners receive the lease copies for execution.

Return the Lease: Within 10-business days of receiving the lease copies, the auction winners must post financial assurance, pay any outstanding balance of their winning bids (*i.e.,* winning monetary bid minus applicable bid deposit and value of the bidding credit, as applicable), and sign and return the three executed lease copies. The winners may request extensions and BOEM may grant such extensions if BOEM determines the delay was caused by events beyond the requesting winner's control, pursuant to 30 CFR 585.224(e).

Execution of Lease: Once BOEM has received the signed lease copies and verified that all other required materials have been received, BOEM will make a final determination regarding its issuance of the leases and will execute the leases, if appropriate.

VI. Withdrawal of Blocks

BOEM reserves the right to withdraw all or portions of the Lease Areas prior to deciding whether to execute the leases with the winning bidders.

VII. Lease Terms and Conditions

BOEM has made available the proposed terms, conditions, and stipulations for the commercial leases that would be offered through this proposed sale. BOEM reserves the right to require compliance with additional terms and conditions associated with the approval of a site assessment plan (SAP) and COP. The proposed leases are on BOEM's website at: *https://www.boem.gov/renewable-energy/state-activities/gulf-mexico-activities.* Each lease would include the following attachments:

a. Addendum ''A'' (''Description of Leased Area and Lease Activities'');

b. Addendum ''B'' (''Lease Term and Financial Schedule'');

c. Addendum ''C'' (''Lease-Specific Terms, Conditions, and Stipulations''); and

d. Addendum ''D'' (''Project Easement'');

Addenda ''A,'' ''B,'' and ''C'' provide detailed descriptions of proposed lease terms and conditions. Addendum ''D'' will be completed at the time of COP approval or approval with modifications. After considering comments on the PSN and proposed lease, BOEM will publish final lease terms and conditions in the FSN.

Proposed Lease Stipulations: BOEM proposes to add or revise the following lease stipulations or provisions from previous commercial leases:

i. *Fisheries Communication Plan:* A stipulation in the lease entitled ''Commercial Fisheries,'' which would contain components of stipulations in prior commercial leases issued by BOEM, including a requirement for a Fisheries Communications Plan (FCP). BOEM is proposing to add elements to this stipulation in response to its extensive engagement with Tribal governments, the fishing industry, and governmental agencies. Major proposed revisions include: (i) identifying dock space and transit routes that would minimize space use conflicts and potential impacts to protected species; (ii) minimizing both congestion and the creation of obstacles that could result in an increased risk of entanglement; and (iii) to the extent practicable, prioritizing Federal and State climate change adaptation strategies for fisheries.

Native American Tribes Communication Plan: A revised NATCP requirement from the one included in previous commercial leases to require the Lessee to work with BOEM and the Gulf of Mexico to identify Tribes with cultural and/or historical ties to the Lease Areas and invite those Tribes to participate in the development of the NATCP. The NATCP would also include protocols for unanticipated discovery of any potential pre-contact archaeological resource(s).

Protected Species: A requirement for the Lessees to coordinate with BOEM, NMFS, and the U.S. Fish and Wildlife Service (USFWS) prior to designing and conducting biological surveys intended to support offshore renewable energy plans that could interact with protected species.

Marine Mammal Protection Act Authorization(s). If the Lessee is required to obtain an authorization pursuant to section 101(a)(5) of the Marine Mammal Protection Act prior to conducting survey activities in support of plan submittal, BOEM will require the Lessees to provide to the Lessor a copy of the authorization prior to commencing these activities.

Site Characterization: An updated requirement regarding survey plans and

pre-survey meetings (subsection 2.1 of Addendum ''C'' to the proposed lease). BOEM proposes to make the pre-survey meeting between the lessee and BOEM optional at BOEM's discretion. BOEM also recommends removing the requirement for lessees to meet with BOEM prior to holding Tribal pre-survey meetings. This change would allow lessees more flexibility in scheduling Tribal pre-survey meetings, possibly holding them earlier and allowing greater opportunity for Tribal input.

Siting Conditions: A lease stipulation that outlines situations when lessees may not construct surface facilities.

Research Access: A stipulation that would make explicit BOEM's reservation of the right to access the lease area for purposes of future research and other activities.

Project Labor Agreements and Supply Chain: Two lease stipulations that would encourage construction efficiency for projects and contribute towards establishing a domestic supply chain:

The first stipulation would require Lessees to make every reasonable effort to enter into a Project Labor Agreement (PLA) covering the construction stage of any project proposed for the Lease Areas. The PLA provisions for the construction of an offshore wind project would apply to all contractors.

The second stipulation would require the Lessee to establish a statement of goals in which the Lessee would describe its plans for contributing to the creation of a robust and resilient U.S.-based offshore wind industry supply chain. The Lessee would be required to provide regular progress updates on the achievement of those goals to BOEM, and BOEM would make those updates publicly available.

BOEM includes these stipulations because it is committed to a clean energy future, workforce development and safety, and the establishment of a durable domestic supply chain that can sustain the U.S. offshore wind energy industry and wants to advance this vision.

Stakeholder and Ocean User Engagement Summary: A requirement for the lessee to include a stakeholder and ocean user engagement summary as part of their progress reporting requirements (see subsection 3.1 of Addendum ''C'' of the lease). This summary would include a description of all existing users, engagement activities with those users during the reporting period, and a description of efforts to minimize any conflict between the existing users and the lessee.

Confirmed Munitions of Concern (MEC)/Unexploded Ordnance (UXO) Notification: A stipulation in the lease that would require notification for confirmed MEC/UXO. Under this stipulation, the lessee would be required to notify BOEM, BSEE, and relevant agency representatives when a confirmed discovery is made.

VIII. Lease Financial Terms and Conditions

This section provides an overview of the required annual payments and financial assurances under the lease. Please see the proposed lease for more detailed information, including any changes from past practices.

a. *Rent:* Pursuant to 30 CFR 585.224(b) and 585.503, the first year's rent payment of $3 per acre is due within 45-calendar days after the lessee receives the lease copies from BOEM. Thereafter, annual rent payments are due on the anniversary of the effective date of the lease (the ''Lease Anniversary''). Once commercial operations under the lease begin, BOEM will charge rent only for the portions of the Lease Area remaining undeveloped (*i.e.,* non-generating acreage). For example, for the 102,557 acres Lease Area of (OCS–G 0XXX), the rent payment would be $307,671 per year until commercial operations begin.

If the lessee submits an application for relinquishment of a portion of its leased area within the first 45-calendar days after receiving the lease copies from BOEM and BOEM approves that application, no rent payment would be due on the relinquished portion of the Lease Area. Later relinquishments of any portion of the lease area would reduce the lessee's rent payments starting in the year following BOEM's approval of the relinquishment.

The lessee also must pay rent for any project easement associated with the lease. Rent commences on the date that BOEM approves the COP that describes the project easement (or any modification of such COP that affects the easement acreage), as outlined in 30 CFR 585.507. If the COP revision results in increased easement acreage, additional rent would be required at the time the COP revision is approved. Annual rent for a project easement is the greater of $5 per acre per year or $450 per year.

Operating Fee: For purposes of calculating the initial annual operating fee payment under 30 CFR 585.506, BOEM applies an operating fee rate to a proxy for the wholesale market value of the electricity expected to be generated from the project during its first 12 months of operations. This initial payment will be prorated to reflect the period between the commencement of commercial operations and the Lease Anniversary. The initial annual operating fee payment will be due within 90 days of the commencement of commercial operations. Thereafter, subsequent annual operating fee payments will be due on or before the Lease Anniversary. If offshore wind energy is used to generate hydrogen or other energy products, the annual operating fee for electricity will continue to be calculated as provided in the lease as a proxy for the market value of hydrogen. Because there is currently a limited market for commercial hydrogen, the operating fee charged on the electricity generation will serve as a proxy for the energy products.

The subsequent annual operating fee payments will be calculated by multiplying the operating fee rate by the imputed wholesale market value of the projected annual electric power production. For purposes of this calculation, the imputed market value will be the product of the project's annual nameplate capacity, the total number of hours in the year (8,760), the capacity factor, and the annual average price of electricity derived from a regional wholesale power price index. For example, the annual operating fee for a 976 megawatt (MW) wind facility operating at a 30 percent capacity (*i.e.,* capacity factor of 0.3) with a regional wholesale power price of $40 per megawatt hour (MWh) and an operating fee rate of 0.02 would be calculated as follows:

$$\text{Annual Operating Fee} = 976\ \text{MW} \times 8{,}760\ \frac{\text{hrs}}{\text{year}} \times 0.3 \times \frac{\$40}{\text{MWh}}\ \text{Power Price} \times 0.02 =$$

$$\$2{,}051{,}942$$

i. *Operating Fee Rate:* The operating fee rate is the share of the imputed wholesale market value of the projected annual electric power production due to ONRR as an annual operating fee. For the Lease Areas, BOEM proposes to set the fee rate at 0.02 (2 percent) for the entire life of commercial operations.

Nameplate Capacity: Nameplate capacity is the maximum rated electric output, expressed in MW, which the turbines of the wind facility under commercial operations can produce at their rated wind speed as designated by the turbine's manufacturer.

Capacity Factor: BOEM proposes to set the capacity factor at 0.3 (*i.e.,* 30 percent) for the year in which the commercial operations date occurs and for the first 6 years of commercial operations on the lease. At the end of the sixth year, BOEM may adjust the capacity factor to reflect the performance over the previous 5 years based upon the actual metered electricity generation at the delivery point to the electrical grid or where the electricity is used to generate hydrogen or other energy products. BOEM may make similar adjustments to the capacity factor once every 5 years thereafter.

Wholesale Power Price Index: Under 30 CFR 585.506(c)(2)(i), the wholesale power price, expressed in dollars per MWh, is determined at the time each annual operating fee payment is due. For the leases offered in this sale, BOEM proposes to use the ERCOT (Texas Coast Region) average price per MW from the Enerfax power prices dataset within Hitachi's ABB Velocity Suite. A similar price dataset can also be used and may be posted by BOEM for reference.

Financial Assurance: Within 10-business days after receiving the lease copies and pursuant to 30 CFR 585.515-.516, the provisional winner would be required to provide an initial lease-specific bond or other BOEM-approved financial assurance instrument in the amount of $100,000. BOEM encourages the provisional winner to discuss financial assurance requirements with BOEM as soon as possible after the auction has concluded.

BOEM would base the amount of all SAP, COP, and decommissioning financial assurance on cost estimates for meeting all accrued lease obligations at the respective stages of development. The required amount of supplemental and decommissioning financial assurance will be determined on a case-by-case basis.

The financial terms described above can be found in Addendum ''B'' of the lease, which is available at: *https://www.boem.gov/renewable-energy/state-activities/gulf-mexico-activities.*

IX. Bidder's Financial Form

Each bidder would be required to provide the information required in the BFF referenced in this PSN. A copy of the proposed form is available at: *https://www.boem.gov/renewable-energy/state-activities/gulf-mexico-activities.* BOEM recommends that each bidder designate an email address in its BFF that the bidder would then use to create an account in *pay.gov* (if it has not already done so). BOEM will not consider previously submitted BFFs for previous lease sales to satisfy the requirements of this auction. BOEM may consider BFFs submitted after the deadline set in the FSN if BOEM determines that the failure to timely submit the BFF was caused by events beyond the bidder's control. The BFF is required to be executed by an authorized representative listed in the qualification package on file with BOEM.

X. Bid Deposit

Each qualified bidder would be required to submit a bid deposit no later than the date listed in the FSN. Typically, this deadline is approximately 30-calendar days after the publication of the FSN. BOEM may consider extensions to this deadline only if BOEM determines that the failure to timely submit the bid deposit was caused by events beyond the bidder's control.

Following the auction, bid deposits will be applied against the winning bid and other obligations owed to BOEM. If a bid deposit exceeds that bidder's total financial obligation, BOEM will refund the balance of the bid deposit to the bidder. BOEM will refund bid deposits to the unsuccessful bidders once BOEM has announced the provisional winners.

If BOEM offers a lease to a provisional winner and that bidder fails to timely return the signed lease, establish financial assurance, or pay the balance of its bid, BOEM would retain the bidder's $2,000,000 bid deposit for the Lease Area. In such a circumstance, BOEM reserves the right to offer a lease for that Lease Area to the next highest bidder as determined by BOEM.

XI. Minimum Bid

The minimum bid is the lowest bid amount per acre that BOEM will accept as a winning bid, and it is the amount at which BOEM will start the bidding in the auction. BOEM proposes a minimum bid amount of $50.00 per acre for this lease sale.

XII. Auction Procedures

a. *Multiple-Factor Bidding Auction:* As authorized under 30 CFR 585.220(a)(4) and 585.221(a)(6), BOEM proposes to use a multiple-factor auction format for this lease sale. Under BOEM's proposal, the bidding system for this lease sale would be a multiple-factor combination of monetary and non-monetary factors. The bid made by a particular bidder in each round would represent the sum of the monetary factor (cash bid) and the value of any non-monetary factors in the form of bidding credits. BOEM proposes to start the auction using the minimum bid price for the Lease Areas and to increase these prices incrementally until only one bidder remains bidding on each Lease Area in the auction.

BOEM is proposing to grant bidding credits to bidders that commit to one or both of the following:

i. Supporting workforce training programs for the offshore wind industry or developing a domestic supply chain for the offshore wind industry, or a combination of both; or

ii. Establishing and contributing to a fisheries compensatory mitigation fund or contributing to an existing fund to mitigate potential negative impacts to commercial and for-hire recreational fisheries caused by OCS offshore wind development in the Gulf of Mexico.

These bidding credits are intended to:

i. Enhance, through training, the offshore wind workforce and/or enhance the establishment of a domestic supply chain for offshore wind manufacturing, assembly, or services, both of which will contribute to the expeditious and orderly development of offshore wind resources on the OCS;

ii. Support the expeditious and orderly development of OCS resources by mitigating potential direct impacts from proposed projects and encouraging the investment in infrastructure germane to the offshore wind industry; and

iii. Minimize potential economic effects on commercial fisheries impacted by potential offshore wind development, as cooperation with commercial fisheries impacted by OCS operations will enable development of the Lease Area to advance.

Changes to Auction Rules: BOEM will be employing new auction software for sales held in 2024. The auction format remains an ascending clock auction with multiple-factor bidding. Five primary changes have been made to the ascending clock auction rules in the new software.

i. If a bidder decides to bid on a different Lease Area in a subsequent

round of the auction, it may submit a bid for the Lease Area it bid on in the previous round and, simultaneously, submit a bid for another Lease Area. This allows a bidder the option to switch to another Lease Area if the price of the first Lease Area exceeds the specified bid price.

ii. Provisional winners will no longer be determined using a two-step process. The auction rules are implemented in a way such that, when the auction concludes, the bidder who remains on a Lease Area after the final round becomes its provisional winner. There will be no additional processing to determine whether any other Lease Areas can be awarded to other bidders.

iii. The auction will use a ''second price'' rule. A given Lease Area will be won by the bidder that submitted the highest bid amount for the Lease Area, but the winning bidder will pay the highest bid amount at which there was competition (*i.e.,* the ''second price'').

iv. If the FSN allows bidders to bid for and potentially acquire two or more Lease Areas, any bid for two or more Lease Areas will be treated as independent bids for those Lease Areas, rather than as a package bid.

v. Each bidder's bidding credit will be expressed directly as a percentage of the final price for the lease.

All potential bidders should review the complete Auction Procedures for Offshore Wind Lease Sales (Version 1) located at: *https://www.boem.gov/renewable-energy/lease-and-grant-information.*

The Auction: Using an online bidding system to host the auction, BOEM would start the bidding for Leases OCS–G 37962 through 37965 as described below.

Lease area name	Lease area ID	Acres	Minimum bid
Lease I–1	OCS–G 37962	102,500	$5,125,000
Lease I–2	OCS–G 37963	96,786	4,839,300
Lease J–1	OCS–G 37964	108,230	5,411,500
Lease K–1	OCS–G 37965	102,544	5,127,200

BOEM is proposing to allow each qualified bidder to bid for and potentially acquire as many Lease Areas as are offered in the GOMW–2 sale. The possible alternatives to the proposed unlimited eligibility would be a specified limit on the number of Lease Areas in each region that a bidder can bid for and potentially win, or a specified overall limit on the number of Lease Areas in the GOMW–2 sale that a bidder can bid for and potentially win.

The auction will be conducted in a series of rounds. Before each round, the auction system will announce the prices for each Lease Area offered in the auction. In Round 1, there is a single price for each Lease Area equal to the minimum bid price (also known as the 'opening price' or 'clock price of Round 1'). Each bidder can bid, at the opening prices, for as many Lease Areas as allowed by the FSN and the bidder's bid deposit. After Round 1, the bidder's processed demand is one for each Lease Area for which the bidder bid in Round 1. The bidder's eligibility for Round 2 equals the number of Lease Areas for which the bidder bid in Round 1.

Starting in Round 2, each Lease Area is assigned a range of prices for the round. The start-of-round price is the lowest price in the range, and the clock price is the highest price in the range. A bidder still eligible to bid after the previous round can either continue bidding at the new round's clock price(s) for the same Lease Area(s) for which the bidder's processed demand is one or submit bid(s) to reduce demand for one (or more) Lease Area(s) at any price(s) in the range(s) for that round. A bid to reduce demand at some price indicates that the bidder is not willing to acquire that Lease Area at a price exceeding the specified bid price. A bidder that bids to reduce demand for Lease Areas can optionally bid on up to the same number of other Lease Areas.

If an eligible bidder does not place a bid during the round for the Lease Area for which the bidder's processed demand is one, the auction system will consider this a request to reduce demand for that Lease Area at the round's start-of-round price.[2] That bidder can nonetheless win that Lease Area if it is the last remaining bidder for that Lease Area.

After each round, the auction system processes the bids and determines each bidder's processed demand for each Lease Area and the posted prices for the Lease Areas. The bidder's eligibility for the next round would equal the number of Lease Areas for which the bidder had a processed demand of one. If, after any round, a bidder's processed demand is zero for every Lease Area, the bidder's eligibility drops to zero and the bidder can no longer bid in the auction. The posted price is the price determined for each Lease Area after processing of all bids for a round. If only one bidder remains on a Lease Area, the posted price reflects the ''second price'' (*i.e.,* the highest price at which there was competition for the Lease Area).[3]

The posted price for a Lease Area after each round becomes the start-of-round price for that Lease Area in the next round.

If, after the bids for the round have been processed, there is no Lease Area with excess demand, the auction will end. When this occurs, each bidder with a processed demand of one for a Lease Area will become the provisional winner for that Lease Area. Otherwise, the auction will continue with a new round in which the start-of-round price for each Lease Area equals the posted price of the previous round.

The increment by which the clock price exceeds the start-of-round price will be determined based on several factors including, but not necessarily limited to, the expected time needed to conduct the auction and the number of rounds that have already occurred. BOEM reserves the right to increase or decrease the increment as it deems appropriate.

The provisional winner of each Lease Area will pay the final posted price (less any applicable bidding credit), or risk forfeiting its bid deposit. A provisional winner will be disqualified if it is subsequently found to have violated auction rules or BOEM regulations, or otherwise engaged in conduct detrimental to the integrity of the competitive auction. If a bidder submits a bid that BOEM determines to be a provisionally winning bid, the bidder must sign the applicable lease documents, post financial assurance, and submit the outstanding balance (if any) of its winning bid (*i.e.,* winning monetary bid minus the applicable bid deposit and the value of bidding credits, as applicable) within 10-business days of receiving the lease copies, pursuant to 30 CFR 585.224. BOEM reserves the

[2] When the round ends and the bidder still has not placed a bid, the system will process the bid as if the bidder is asking to leave that lease area at any price above the start-of-round price for that lease area that it previously bid on.

[3] The Auction Procedures for Offshore Wind Lease Sales provides details on how bids are prioritized and processed.

right to not issue the lease to the provisionally winning bidder if that bidder fails to: timely execute three copies of the lease and return them to BOEM, timely post adequate financial assurance, timely pay the balance of its winning bid, or otherwise comply with applicable regulations or the terms of the FSN. In any of these cases, the bidder will forfeit its bid deposit and BOEM reserves the right to offer a lease to the next highest eligible bidder as determined by BOEM.

BOEM will publish the names of the provisional winners of the Lease Areas and the associated prices shortly after the conclusion of the sale. Full bid results, including round-by-round results of the entire sale, will be published on BOEM's website after a review of the results and announcement of the provisional winner.

Additional Information Regarding the Auction Format:

i. Authorized Individuals and Bidder Authentication: An entity that is eligible to participate in the auction will identify on its BFF up to three individuals who will be authorized to bid on behalf of the company, including their names, business telephone numbers, and email addresses. All individuals will log into the auction system using *login.gov.* Prior to the auction, all the individuals listed on the BFF form must obtain a Fast Identify Online (FIDO) compliant security key,[4] and must register this security key on *login.gov* using the same email address that was listed in the BFF. The *login.gov* registration, together with the FIDO-compliant security key, will enable the individual to log into the auction website. BOEM will provide information on this process on its website.

After BOEM has processed the bid deposits, the auction contractor will send an email to the authorized individuals, inviting them to practice logging into the auction website on a specific day in advance of the mock auction. The *login.gov* login process, along with the authentication process for the auction helpdesk, will also be tested during the mock auction. If an eligible bidder fails to submit a bid deposit or does not participate in the first round of the auction, BOEM will deactivate that bidder's login information.

ii. *Timing of Auction:* The FSN will provide specific information regarding when bidders can enter the auction system and when the auction will start.

iii. *Messaging Service:* BOEM and the auction contractors will use the auction platform messaging service to keep bidders informed on issues of interest during the auction. For example, BOEM could change the schedule at any time, including during the auction. If BOEM changes the schedule during an auction, it will use the messaging feature to notify bidders that a revision has been made and will direct bidders to the relevant page. BOEM will also use the messaging system for other updates during the auction.

iv. *Bidding Rounds:* Bidders are allowed to place bids or to change their bids at any time during the bidding round. At the top of the bidding page, a countdown clock shows how much time remains in each round. Bidders will have until the end of the round to place bids. Bidders should do so according to the procedures described in the FSN and the Auction Procedures for Offshore Wind Lease Sales. Information about the round results will be made available only after the round has closed, so there is no strategic advantage to placing bids early or late in the round. The Auction Procedures for Offshore Wind Lease Sales elaborate on the auction procedures described in this PSN. In the event of any inconsistency between the Auction Procedures for Offshore Wind Lease Sales, the Bidder Manual, and the FSN, the FSN is controlling.

Alternate Bidding Procedures: Redundancy is the most effective way to mitigate technical and human issues during an auction. BOEM strongly recommends that bidders consider authorizing more than one individual to bid in the auction—and confirming during the mock auction that each individual is able to access the auction system. A mobile hotspot or other form of wireless access is helpful in case a company's main internet connection should fail. As a last resort, an authorized individual facing technical issues may request to submit its bid by telephone. In order to be authorized to place a telephone bid, an authorized individual must call the help desk number listed in the auction manual before the end of the round. BOEM will authenticate the caller's identity, including requiring the caller to provide a code from the software token. The caller must also explain the reasons why a telephone bid needs to be submitted. BOEM may, in its sole discretion, permit or refuse to accept a request for the placement of a bid using this alternate telephonic bidding procedure. The auction help desk requires codes from the Google Authenticator application (app) as part of its procedure for identifying individuals who call for assistance. *Prior to the auction,* all individuals listed on the BFF should download the Google Authenticator™ mobile app [5] onto their smartphone or tablet.[6] The first time the individual logs into the auction system, the system will provide a QR token to be read into the Google Authenticator app. This token is unique to the individual and enables the Google Authenticator app to generate time-sensitive codes that will be recognized by the auction system. When an individual calls the auction help desk, the current code from the app must be provided to the help desk representative as part of the user authentication process. BOEM will provide information on this process on its website.

17.0 Percent Bidding Credit for Workforce Training or Supply Chain Development or a Combination of Both: This proposed bidding credit would allow a bidder to receive a credit of 17.0 percent of the final posted price of the Lease Area in exchange for a commitment to make a qualifying monetary contribution (''Contribution''), in the same amount as the bidding credit received, to programs or initiatives that support workforce training programs for the U.S. offshore wind industry or development of a U.S. domestic supply chain for the offshore wind industry, or both, as described in the BFF Addendum and the lease. To qualify for this credit, the bidder must commit to the bidding credit requirements on the BFF and submit a conceptual strategy as described in the BFF Addendum.

i. As proposed, the Contribution to workforce training must result in a better trained and/or larger domestic offshore wind workforce that would provide for more efficient operations via increasing the supply of fully trained personnel. Training of existing lessee employees, lessee contractors, or employees of affiliated entities would not qualify.

ii. The Contribution to domestic supply chain development must result in overall benefits to the U.S. offshore wind supply chain available to all potential purchasers of offshore wind

[4] FIDO-keys are produced by many manufacturers, such as Yubico and Google. They are widely available and can easily be purchased from Amazon, Best Buy, Walmart, or any other seller of electronics. The latest generation of the FIDO standard is FIDO2, and you should obtain the key compliant with the FIDO2 authentication standard. Depending on the computer you use, you might need to obtain an adapter as FIDO-keys require a USB port.

[5] Google Authenticator must be installed from either the Apple App Store or the Google Play Store.

[6] Installing the app is only required if the Google Authenticator is not already installed on the smartphone or tablet.

services, components, or subassemblies, not solely the lessee's project; and either (i) the demonstrable development of new domestic capacity (including vessels) or the demonstrable buildout of existing capacity, or (ii) an improved offshore wind domestic supply chain by reducing the upfront capital or certification cost for manufacturing offshore wind components, including the building of facilities, the purchasing of capital equipment, and the certifying of existing manufacturing facilities.

iii. Contributions cannot be used to satisfy private cost shares for any Federal tax or other incentive programs where cost sharing is a requirement. No portion of the Contribution may be used to meet the requirements of any other bidding credits for which the lessee qualifies.

iv. Bidders interested in obtaining a bidding credit could choose to contribute to workforce training programs, domestic supply chain initiatives, or a combination of both. The Conceptual Strategy must describe verifiable actions that the lessee will take that would allow BOEM to confirm compliance when the documentation for satisfying the bidding credit is submitted. The Contribution must be tendered in full, and the lessee must provide documentation evidencing it has made the Contribution and complied with applicable requirements, no later than the date the lessee submits its first Facility Design Report (FDR).

v. As proposed, Contributions to workforce training would need to promote and support one or more of the following purposes: (i) Union apprenticeships, labor management training partnerships, stipends for workforce training, or other technical training programs or institutions focused on providing skills necessary for the planning, design, construction, operation, maintenance, or decommissioning of offshore wind energy projects in the United States; (ii) Maritime training necessary for the crewing of vessels to be used for the construction, servicing, and/or decommissioning of wind energy projects in the United States; (iii) Training workers in skills or techniques necessary to manufacture or assemble offshore wind components, subcomponents or subassemblies. Examples of areas involving these skills and techniques include welding; wind energy technology; hydraulic maintenance; braking systems; mechanical systems, including blade inspection and maintenance; or computers and programmable logic control systems; (iv) Tribal offshore wind workforce development programs or training for employees of an Indian Economic Enterprise in skills necessary in the offshore wind industry; or (v) Training in any other job skills that the lessee can demonstrate are necessary for the planning, design, construction, operation, maintenance, or decommissioning of offshore wind energy projects in the United States.

vi. As proposed, Contributions to domestic supply chain development must promote and support one or more of the following: (i) Development of a domestic supply chain for the offshore wind industry, including manufacturing of components and sub-assemblies and the expansion of related services; (ii) Domestic Tier 2 and Tier 3 offshore wind component suppliers and domestic Tier 1 supply chain efforts, including quay-side fabrication;[7] (iii) Technical assistance grants to help U.S. manufacturers re-tool or certify (*e.g.,* ISO–9001) for offshore wind manufacturing; (iv) Development of Jones Act-compliant vessels for the construction, servicing, and/or decommissioning of wind energy projects in the United States; (v) Purchase and installation of lift cranes or other equipment capable of lifting or moving foundations, towers, and nacelles quayside, or lift cranes on vessels with these capabilities; (vi) Port infrastructure directly related to offshore wind component manufacturing or assembly of major offshore wind facility components; (vii) Establishing a new or existing bonding support reserve or revolving fund available to all businesses providing goods and services to offshore wind energy companies, including disadvantaged businesses and/or Indian Economic Enterprises; or (viii) Other supply chain development efforts that the lessee can demonstrate advance the manufacturing of offshore wind components or subassemblies or the provision of offshore wind services, in the United States.

vii. *Documentation:* If a lease is issued pursuant to a winning bid that includes a bidding credit for workforce training or supply chain development, the lessee would be required to provide documentation showing that the lessee has met the financial commitment before the lessee submits the first FDR for the lease. The documentation must allow BOEM to objectively verify the amount of the Contribution and the beneficiary(ies) of the Contribution.

At a minimum, the documentation would need to include: all written agreements between the lessee and beneficiary(ies) of the Contribution, which must detail the amount of the Contribution(s) and how it will be used by the beneficiaries of the Contribution(s) to satisfy the goals of the bidding credit for which the Contribution was made; all receipts documenting the amount, date, financial institution, and the account and owner of the account to which the Contribution was made; and sworn statements by the entity that made the Contribution and the beneficiary(ies) of the Contribution attesting that all information provided in the above documentation is true and accurate. The documentation would need to describe how the funded initiative or program has advanced, or is expected to advance, U.S. offshore wind workforce training or supply chain development. The documentation must also provide qualitative and/or quantitative information that includes the estimated number of trainees or jobs supported, or the estimated leveraged supply chain investment resulting or expected to result from the Contribution. The documentation would need to contain any information called for in the Conceptual Strategy that the lessee submitted with its BFF and to allow BOEM to objectively verify (i) the amount of the Contribution and the beneficiary(ies) of the Contribution, and (ii) compliance with the bidding credit criteria provided in Addendum ''C'' of the lease. If the lessee's implementation of its Conceptual Strategy changes due to market needs or other factors, the lessee would need to explain the changed approach. BOEM would reserve all rights to determine that the bidding credit has not been satisfied if changes from the lessee's Conceptual Strategy result in the lessee not meeting the criteria for the bidding credit described in Addendum ''C'' of the lease.

viii. *Enforcement:* The commitment for the bidding credit would be made in the BFF and would be included in a lease addendum that would bind the lessee and all future assignees of the lease. If BOEM were to determine that a lessee or assignee had failed to satisfy the requirements of the bidding credit, or if a lessee were to relinquish or otherwise fail to develop the lease by the tenth anniversary date of lease issuance, the amount corresponding to the bidding credit awarded would be immediately due and payable to the Office of Natural Resources Revenue

[7] Tier 1 denotes the primary offshore wind components such as the blades, nacelles, towers, foundations, and cables. Tier 2 subassemblies are the systems that have a specific function for a Tier 1 component. Tier 3 subcomponents are commonly available items that are combined into Tier 2 subassemblies, such as motors, bolts, and gears.

(ONRR) with interest from the lease Effective Date. The interest rate would be the underpayment interest rate identified by ONRR. The lessee would not be required to pay said amount if the lessee satisfied its bidding credit requirements but failed to develop the lease by the tenth Lease Anniversary. BOEM could, at its sole discretion, extend the documentation deadline beyond the first FDR submission or extend the lease development deadline beyond the 10-year timeframe.

8.0 Percent Bidding Credit for Fisheries Compensatory Mitigation Fund: The second bidding credit proposed would allow a bidder to receive a credit of 8.0 percent of the final posted price of the Lease Area in exchange for a commitment to establish and contribute to a fisheries compensatory mitigation fund, or to contribute to a similar existing fund, to compensate for potential negative impacts to commercial and for-hire recreational fisheries. The term ''commercial fisheries'' refers to commercial and processing businesses engaged in the act of catching and marketing fish and shellfish for sale from the Gulf of Mexico. The term ''for-hire recreational fisheries'' refers to charter and head-boat fishing operations involving vessels-for-hire engaged in recreational fishing in the Gulf of Mexico that are hired for a charter fee by an individual or group of individuals for the exclusive use of that individual or group of individuals. Lessees are encouraged to contribute to a regional fund which would provide financial compensation for economic loss from offshore wind development in the Gulf of Mexico. At a minimum, the compensation must address the following:

Gear loss or damage; and

Lost fishing income in Gulf of Mexico wind energy Lease Areas.

The fisheries compensatory mitigation fund would assist commercial and for-hire recreational fisheries directly impacted by income or gear losses due to offshore wind activities on offshore wind leases or easements and is intended to address the impacts identified in BOEM's environmental and project reviews. The compensatory mitigation would be required to cover impacts that result directly from the preconstruction, construction, operations and decommissioning of an offshore wind project being developed on Gulf of Mexico wind energy leases or easements. The fund would be required to be established, and the Contribution made before the lessee submits the lease's first FDR or before the fifth Lease Anniversary, whichever is sooner. To qualify for this credit, the bidder would be required to commit to the bidding credit requirements on the BFF and submit a conceptual strategy as described in the BFF Addendum.

(1) Bidders committing to use the fisheries compensatory mitigation fund bidding credit must submit their Conceptual Strategy along with their BFF, further described below and in the BFF Addendum. The Conceptual Strategy would describe the actions that the lessee intends to take that would allow BOEM to verify compliance when the lessee seeks to demonstrate satisfaction of the requirements for the bidding credit. The lessee would be required to provide documentation showing that the lessee has met the commitment and complied with the applicable bidding credit requirements before the lessee submits the lease's first FDR or before the fifth Lease Anniversary, whichever is sooner.

(2) As proposed, gear loss, damage, and fishing income loss claims should be prioritized at each phase of offshore wind project development, including impacts from surveys conducted before the establishment of the fund. BOEM encourages lessees to coordinate with other lessees to establish or contribute to a regional fund. A regional fund should be flexible enough to incorporate future contributions from future lease auctions and actuarially sound enough to recognize the multi-decade life of offshore wind projects in the Gulf of Mexico. While the fund's first priority is to compensate for gear loss or damage and income loss, funds that have been determined to be excess based on an actuarial accounting may be used to:

a. Promote participation of fishers and fishing communities in the project development process or other programs that better enable the fishing and offshore wind industries to co-exist;

b. Offset the cost of gear upgrades and transitions for operating within a wind facility.

Any fund established or selected by the lessee to meet this bidding credit requirement would be required to include a process for evaluating the actuarial status of funds at least every 5 years and publicly reporting information on fund disbursement and administrative costs at least annually.

(3) The fisheries compensatory mitigation fund would be required to be independently managed by a third party and designed with fiduciary governance and strong internal controls while minimizing administrative expenses. The Contribution may be used for fund startup costs, but the Fund should minimize costs by leveraging existing processes, procedures, and information from BOEM Fisheries Mitigation Guidance, the Eleven Atlantic States' Fisheries Mitigation Project, or other sources.

(4) *Documentation:* As proposed, if a lease is awarded pursuant to a winning bid that includes a fisheries compensatory mitigation fund bidding credit, the lessee would be required to provide written documentation to BOEM that demonstrates that it completed the fund Contribution before it submits the lease's first FDR or before the fifth Lease Anniversary, whichever is sooner. The documentation would be required to enable BOEM to objectively verify the Contribution has met all applicable requirements as outlined in Addendum ''C'' of the lease. At a minimum, this documentation would be required to include:

a. the procedures established to compensate for gear loss or damage resulting from all phases of the project development on the Lease Area (pre-construction, construction, operation, and decommissioning);

b. the fisheries compensatory mitigation fund charter, including the governance structure, audit and public reporting procedures, and standards for paying compensatory mitigation for impacts to fishers from development on wind energy Lease Areas in the Gulf of Mexico;

c. all receipts documenting the amount, date, financial institution, and the account and owner of the account to which the Contribution was made; and

d. sworn statements by the entity that made the Contribution, attesting to:

i. the amount and date(s) of the Contribution;

ii. that the Contribution is being (or will be) used in accordance with the bidding credit requirements in the lease; and

iii. that all information provided is true and accurate.

The documentation would be required to contain any information specified in the Conceptual Strategy that was submitted with the BFF. If the lessee's implementation of its Conceptual Strategy changes due to market needs or other factors, the lessee would need to explain this change. BOEM reserves the right to determine that the bidding credit has not been satisfied if changes from the lessee's Conceptual Strategy result in the lessee not meeting the criteria for the bidding credit described in Addendum ''C'' of the lease.

(5) *Enforcement:* The commitment to the fisheries compensatory mitigation fund bidding credit will be made in the BFF. It will be included in Addendum ''C'' of the lease and will bind the lessee

and all future assignees of the lease. If BOEM were to determine that a lessee or assignee had failed to satisfy the commitment at the time the first FDR is submitted, or by the fifth Lease Anniversary, whichever is sooner, the amount corresponding to the bidding credit awarded would be immediately due and payable to ONRR with interest from the lease effective date. The interest rate would be the underpayment interest rate identified by ONRR. The lessee would not be required to pay said amount if the lessee satisfied its bidding credit requirements by the time the first FDR is submitted, or the fifth Lease Anniversary, whichever is sooner. BOEM may, at its sole discretion, extend the documentation deadline beyond the first FDR or beyond the 5-year timeframe.

XIII. Rejection or Non-Acceptance of Bids

BOEM reserves the right and authority to reject any and all bids that do not satisfy the requirements and rules of the auction, the FSN, or applicable regulations and statutes.

XIV. Anti-Competitive Review

Bidding behavior in this sale is subject to Federal antitrust laws. Following the auction, but before the acceptance of bids and the issuance of the lease, BOEM must ''allow the Attorney General, in consultation with the Federal Trade Commission, thirty days to review the results of [the] lease sale.'' 43 U.S.C. 1337(c)(1). If a provisional winner is found to have engaged in anti-competitive behavior in connection with this lease sale, BOEM may reject its provisionally winning bid. Compliance with BOEM's auction procedures and regulations is not an absolute defense against violations of antitrust laws.

Anti-competitive behavior determinations are fact specific. However, such behavior may manifest itself in several different ways, including, but not limited to:

1. An express or tacit agreement among bidders not to bid in an auction, or to bid a particular price;

2. An agreement among bidders not to bid against each other; or

3. Other agreements among bidders that have the potential to affect the final auction price.

Pursuant to 43 U.S.C. 1337(c)(3), BOEM may decline to award a lease if the Attorney General, in consultation with the Federal Trade Commission, determines that awarding the lease may be inconsistent with antitrust laws.

For more information on whether specific communications or agreements could constitute a violation of Federal antitrust law, please see *https://www.justice.gov/atr/business-resources* and consult legal counsel.

XV. Process for Issuing the Lease

Once all post-auction reviews have been completed to BOEM's satisfaction, BOEM will issue three unsigned copies of the lease to the provisional winner. Within 10-business days after receiving the lease copies, the provisional winner must:

1. Execute and return the lease copies on the bidder's behalf;

2. File financial assurance, as required under 30 CFR 585.515–537; and

3. Pay by electronic funds transfer (EFT) the balance (if any) of the winning bid (winning monetary bid minus the applicable bid deposit). BOEM would require bidders to use EFT procedures (not *pay.gov,* the website bidders used to submit bid deposits) for payment of the balance of the winning bid, following the detailed instructions contained in the ''Instructions for Making Electronic Payments'' available on BOEM's website at: *https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/EFT-Payment-Instructions.pdf.*

BOEM will not execute the lease until the three requirements above have been satisfied. BOEM may extend the 10-business-day deadline if BOEM determines the delay was caused by events beyond the provisional winner's control.

If the provisional winner does not meet these requirements or otherwise fails to comply with applicable regulations or the terms of the FSN, BOEM reserves the right not to issue the lease to that bidder. In such a case, the provisional winner would forfeit its bid deposit. Also, in such a case, BOEM reserves the right to offer the lease to the next highest eligible bidder as determined by BOEM.

Within 45-calendar days after receiving the lease copies, the provisional winner must pay the first year's rent using the ''ONRR Renewable Energy Initial Rental Payments'' form available at: *https://www.pay.gov/public/form/start/27797604/.*

Subsequent annual rent payments must be made following the detailed instructions contained in the ''Instructions for Making Electronic Payments,'' available on BOEM's website at: *https://www.boem.gov/renewable-energy/state-activities/gulf-mexico-activities.*

XVI. Non-Procurement Debarment and Suspension Regulations

Pursuant to 43 CFR part 42, subpart C, an OCS renewable energy lessee must comply with the Department of the Interior's non-procurement debarment and suspension regulations at 2 CFR parts 180 and 1400. The lessee must also communicate this requirement to persons with whom the lessee does business relating to this lease by including this term as a condition in their contracts and other transactions.

XVII. Final Sale Notice

The development of the FSN will be informed through the EA, related consultations, and comments received during the PSN comment period. The FSN will provide the final details concerning the offering and issuance of an OCS commercial wind energy lease in the Lease Area in the GOM. The FSN will be published in the **Federal Register** at least 30 days before the lease sale is conducted and will provide the date and time of the auction.

XVIII. Changes to Auction Details

BOEM has the discretion to change any auction detail specified in the FSN, including the date and time, if events outside BOEM's control have been found to interfere with a fair and proper lease sale. Such events may include, but are not limited to, natural disasters (*e.g.,* earthquakes, hurricanes, floods, and blizzards), wars, riots, act of terrorism, fire, strikes, civil disorder, Federal Government shutdowns, cyberattacks against relevant information systems, or other events of a similar nature. In case of such events, BOEM would notify all qualified bidders via email, phone, and BOEM's website at: *https://www.boem.gov/renewable-energy/state-activities/gulf-mexico-activities.* Bidders should call BOEM's Auction Manager at 703–787–1121 if they have concerns.

XIX. Appeals

The appeals and reconsideration procedures are provided in BOEM's regulations at 30 CFR 585.225 and 585.118(c). BOEM's decision on a bid is the final action of the Department, except that an unsuccessful bidder may apply for reconsideration by the Director under 30 CFR 585.225 as follows:

If BOEM rejects your bid, BOEM will provide a written statement of the reasons and will refund any money deposited with your bid, without interest.

You may ask the BOEM Director for reconsideration, in writing, within 15-business days of bid rejection, under 30 CFR 585.118(c)(1). The Director will

send you a written response either affirming or reversing the rejection.

XX. Public Participation

BOEM does not consider anonymous comments; please include your name and address as part of your comment. You should be aware that your entire comment, including your name, address, and any other personally identifiable information (PII) included in your comment, may be made publicly available at any time. In order for BOEM to consider withholding your PII from disclosure, you must identify, in a cover letter, any information contained in 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, such as embarrassment, injury, or other harm.

Even if BOEM withholds your information in the context of this PSN, your submission is subject to the Freedom of Information Act (FOIA). If your comment is requested under FOIA, your information will only be withheld if a determination is made that one of the FOIA's exemptions to disclosure applies. Such a determination will be made in accordance with the Department's FOIA regulations and applicable law.

Note that BOEM will make available for public inspection all comments, except for identified privileged or confidential information, submitted by organizations and businesses, or by individuals identifying themselves as representatives of organizations or businesses.

XXI. Protection of Privileged or Confidential Information

BOEM will protect privileged or confidential information that you submit consistent with the Freedom of Information Act (FOIA) and 30 CFR 585.114. Exemption 4 of FOIA applies to ''trade secrets and commercial or financial information obtained from a person'' that is privileged or confidential. 5 U.S.C. 552(b)(4).

If you wish to protect the confidentiality of your comments or qualification information, clearly mark the relevant sections ''Contains Privileged or Confidential Information'' and request that BOEM treat the information as confidential. You should consider submitting such information as a separate attachment. BOEM will not disclose such information, except as required by FOIA. Information that is not labeled as privileged or confidential may be regarded by BOEM as suitable for public release. Further, BOEM will not treat as confidential aggregate summaries of otherwise non-confidential information.

a. *Access to Information (54 U.S.C. 307103):* BOEM is required, after consultation with the Secretary of the Interior, to withhold the location, character, or ownership of historic resources if the Secretary and the agency determine that disclosure may, among other things, cause a significant invasion of privacy, risk harm to the historic resources, or impede the use of a traditional religious site by practitioners. Tribal entities and other interested parties should designate information that they would like to be held as confidential and provide the reasons why BOEM should do so.

Authority: 43 U.S.C. 1337(p); 30 CFR 585.211 and 585.216.

Elizabeth Klein,

Director, Bureau of Ocean Energy Management.

[FR Doc. 2024–05955 Filed 3–20–24; 8:45 am]

BILLING CODE 4340–98–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1394]

Certain Liquid Coolers for Electronic Components in Computers, Components Thereof, Devices for Controlling Same, and Products Containing Same; Notice of Institution

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on February 14, 2024, under section 337 of the Tariff Act of 1930, as amended, on behalf of Cooler Master Co., Ltd. of Taiwan; CMI USA, Inc. of Claremont, California; and CMC Great USA, Inc. of San Jose, California. A supplement to the complaint was filed on March 6, 2024. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain liquid coolers for electronic components in computers, components thereof, devices for controlling same, and products containing same by reason of the infringement of certain claims of U.S. Patent No. 10,509,446 (''the '446 patent''); U.S. Patent No. 11,061,450 (''the '450 patent''); and U.S. Patent No. D856,941 (''the '941 patent''). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute. The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and a cease and desist order.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Katherine Hiner, The Office of Docket Services, U.S. International Trade Commission, telephone (202) 205–2560.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2023).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on March 15, 2024, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1–3 and 14 of the '446 patent; claims 1–4 of the '450 patent; and the claim of the '941 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is ''liquid coolers for electronic components in computers, components thereof, LED controllers for

controlling same, and products containing same'';

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Cooler Master Co., Ltd., 6F, No. 398, Xinhu 1st Rd., Neihu Dist., Taipei City, 114065, Taiwan

CMI USA, Inc., 1 N Indian Hill Blvd. STE 200, Claremont, CA 91711

CMC Great USA, Inc., 780 Montague Expressway, Suite 208, San Jose, CA 95131

(b) The respondent is the following entity alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

SilverStone Technology Co., Ltd., 12F, No. 168, Jiankang Road, Zhonghe, District, New Taipei City, Taiwan 23585

SilverStone Technology, Inc., 13626 Monte Vista Ave. Unit A, Chino, CA 91710, USA

Enermax Technology Corp., 2F–1, No 888, Jingguo Rd., Taoyuan Dist., Taoyuan City 330, Taiwan

Enermax USA, 14020 Central Ave STE 500, Chino, CA 91710, USA

Shenzhen Apaltek Co., Ltd., 2907–2908, Building 2, OCT Creative, Building, North Station Community, Minzhi Street, Longhua District, Shenzhen, Guangdong Province, People's Republic of China

Guangdong Apaltek Liquid Cooling, Technology Co., Ltd., Factory:No.12, West 2nd Lane, Shenzhenzai Road, Qingxi Town, Dongguan City, People's Republic of China

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not be a party to this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondent in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), as amended in 85 FR 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainant of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of the respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: March 15, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–06045 Filed 3–20–24; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1355]

Certain Compact Wallets and Components Thereof; Notice of Request for Submissions on the Public Interest

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that on March 15, 2024, the presiding administrative law judge (''ALJ'') issued an Initial Determination on Violation of Section 337. The ALJ also issued a Recommended Determination on remedy and bonding should a violation be found in the above-captioned investigation. The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation. This notice is soliciting comments from the public and interested government agencies only.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2392. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: Section 337 of the Tariff Act of 1930 provides that, if the Commission finds a violation, it shall exclude the articles concerned from the United States unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry. (19 U.S.C. 1337(d)(1)). A similar provision applies to cease and desist orders. (19 U.S.C. 1337(f)(1)).

The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation, specifically: a general exclusion order directed to certain compact wallets and components thereof imported, sold for importation, and/or sold after importation; and cease and desist orders directed to Rosemar Enterprises LLC d/b/a RossM Wallet of Palm Springs, California; INSGG of Hangzhou City, Zhejiang Province, China; Shenzhen Swztech Co., Ltd. d/b/a SWZA of Shenzhen, Guangdong, China; and Shenzhen Pincan Technology Co., Ltd. d/b/a ARW–Wallet of Shenzhen, Guangdong, China. Parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4).

The Commission is interested in further development of the record on the public interest in this investigation. Accordingly, members of the public and interested government agencies are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the ALJ's Recommended Determination on Remedy and Bonding issued in this investigation on March 15, 2024. Comments should address whether issuance of the recommended remedial orders in this investigation, should the Commission find a violation, would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the recommended remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third-party suppliers have the capacity to replace the volume of articles potentially subject to the recommended orders within a commercially reasonable time; and

(v) explain how the recommended orders would impact consumers in the United States.

Written submissions must be filed no later than by close of business on April 18, 2024.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. The Commission's paper filing requirements in 19 CFR 210.4(f) are currently waived. 85 FR 15798 (Mar. 19, 2020). Submissions should refer to the investigation number (''Inv. No. 337–TA–1355'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *https://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf*). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. Any non-party wishing to submit comments containing confidential information must serve those comments on the parties to the investigation pursuant to the applicable Administrative Protective Order. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing and must be served in accordance with Commission Rule 210.4(f)(7)(ii)(A) (19 CFR 210.4(f)(7)(ii)(A)). All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

This action is taken under the authority of 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: March 18, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–06030 Filed 3–20–24; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–0220]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Public Safety Officers' Educational Assistance (PSOEA)

AGENCY: Bureau of Justice Assistance, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Office of Justice Programs, Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** on December 20, 2023, allowing a 60-day comment period.

DATES: Comments are encouraged and will be accepted for 30 days until April 22, 2024.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact: Hope D. Janke, Director, Director, Public Safety Officers' Benefits Office, Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice, 810 7th Street NW, Washington, DC 20531, telephone: (202) 307–2858, or email: *hope.d.janke@usdoj.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and/or

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the information collection or the OMB Control Number 1121–0220. This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of Justice, information collections currently under review by OMB.

DOJ seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOJ notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *The Title of the Form/Collection:* Public Safety Officers Educational Assistance.

3. *The agency form number:* No form number.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: State, local, and tribal governments. Abstract: BJA's Public Safety Officers' Benefits (PSOB) Office will use the PSOEA Application information to confirm the eligibility of applicants to receive PSOEA benefits. Eligibility is dependent on several factors, including the applicant having received or being eligible to receive a portion of the PSOB Death Benefit, or having a spouse or parent who received the PSOB Disability Benefit. Also considered are the applicant's age and the schools being attended. In addition, information to help BJA identify an individual is collected, such as contact numbers and email addresses.

5. *Obligation to Respond:* Voluntary.

6. *Total Estimated Number of Respondents:* It is estimated that no more than 300 new respondents will apply a year.

7. *Estimated Time per Respondent:* Each application takes approximately 30 minutes to complete.

8. *Frequency:* Once annually.

9. *Total Estimated Annual Time Burden:* The estimated public burden associated with this collection is 150 hours. It is estimated that new respondents will take 30 minutes to complete an application. The burden hours for collecting respondent data sum to 150 hours (300 respondents × 0.5 hours = 150 hours).

10. *Total Estimated Annual Other Costs Burden:* There is no cost estimate.

If additional information is required, contact: Darwin Arceo, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, United States Department of Justice, Two Constitution Square, 145 N Street NE, 4W–218 Washington, DC 20530.

Dated: March 18, 2024.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2024–05988 Filed 3–20–24; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

[OMB Number 1125–0019]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Previously Approved Collection; Office of the Chief Administrative Hearing Officer (OCAHO) E-Filing Portal

AGENCY: Executive Office for Immigration Review, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Executive Office for Immigration Review, Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until May 20, 2024.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Raechel Horowitz, Chief, Immigration Law Division, Office of Policy, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2500, Falls Church, VA 22041, telephone: (703) 305–0473, *Raechel.Horowitz@usdoj.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, 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;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Abstract: In order to improve the efficient adjudication of OCAHO cases and reduce the printing, copying, and mailing costs (for both OCAHO and the public) associated with OCAHO cases, OCAHO began developing a web-based electronic case management system in 2018 and continues to develop a web-based electronic filing portal (OCAHO E-Filing Portal) for this system. The OCAHO E-Filing Portal will allow parties to OCAHO cases to file complaints electronically, request electronic access to a case to which they are a party, file motions and requests electronically, and receive service of orders and decisions from OCAHO by email. EOIR obtained initial PRA clearance for this information collection in 2021. The OCAHO E-Filing Portal has never been made available to the public because it is connected to an internal electronic case management system that is still under development. Since initial clearance in 2021, and in tandem with developments to the OCAHO case management system, EOIR has made several changes to the OCAHO E-Filing Portal: EOIR removed data fields determined to be unnecessary for the adjudication of OCAHO cases; EOIR added comment fields to various parts of the Portal for parties to OCAHO proceedings to provide information relevant to proceedings and not otherwise captured by other fields in this information collection; EOIR reordered Portal contents and form fields, and added instructions throughout the Portal, to enhance clarity and user navigation within the Portal; and EOIR added capabilities to enable form fields to auto-populate in the Portal upon upload of a completed PDF version of the EOIR–58, Unfair Immigration-Related Employment Practices Complaint Form (OMB#1125–0016), and the EOIR–30, OCAHO Subpoena Form. EOIR intends these enhancements to reduce costs and resources required during the course of OCAHO proceedings and ensure that only authorized parties and their representatives will have access to information and documents pertaining to their specific cases. This information collection tool is optional and voluntary.

Overview of This Information Collection

1. *Type of Information Collection:* Revision of a previously approved collection.

2. *The Title of the Form/Collection:* OCAHO E-Filing Portal.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form Number: N/A.

4. *Affected public who will be asked or required to respond, as well as the obligation to respond:* Individuals and households. The obligation to respond is voluntary.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 55 respondents will complete each form within approximately 10 minutes each.

6. *An estimate of the total annual burden (in hours) associated with the collection:* The estimated total annual burden hours for this collection is 9.35 annual burden hours.

7. *An estimate of the total annual cost burden associated with the collection, if applicable:* There are no capital or start-up costs associated with this information collection. The estimated public cost is $736.22 if each respondent were to hire an attorney to complete and submit the information collection.

TOTAL BURDEN HOURS

Activity	Number of respondents	Frequency	Total annual responses	Time per response (minutes)	Total annual burden (hours)
Completing the form (individuals)	55	1/annually	55	10	9

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 4W–218, Washington, DC.

Dated: March 15, 2024.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2024–05956 Filed 3–20–24; 8:45 am]

BILLING CODE 4410–30–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petition for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of a petition for modification submitted to the Mine Safety and Health Administration (MSHA) by the party listed below.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before April 22, 2024.

ADDRESSES: You may submit comments identified by Docket No. MSHA–2024–0003 by any of the following methods:

1. *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments for MSHA–2024–0003.

2. *Fax:* 202–693–9441.

3. *Email: petitioncomments@dol.gov.*

4. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, 4th Floor West, Arlington, Virginia 22202–5452,

Attention: S. Aromie Noe, Director, Office of Standards, Regulations, and Variances. Persons delivering documents are required to check in at 4th Floor West. Individuals may inspect copies of the petition and comments during normal business hours at the address listed above. Before visiting MSHA in person, call 202–693–9455 to make an appointment, in keeping with the Department of Labor's COVID–19 policy. Special health precautions may be required.

FOR FURTHER INFORMATION CONTACT: S. Aromie Noe, Office of Standards, Regulations, and Variances at 202–693–9440 (voice), *Petitionsformodification@dol.gov* (email), or 202–693–9441 (fax). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations (CFR) part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

2. The application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, sections 44.10 and 44.11 of 30 CFR establish the requirements for filing petitions for modification.

II. Petition for Modification

Docket Number: M–2024–001–C.

Petitioner: River View Coal, LLC, 835 St. Route 1179, Waverly, Kentucky 42462.

Mine: Henderson County Mine, MSHA ID No. 15–02709, located in Union County, Kentucky.

Regulation Affected: 30 CFR 18.35(a)(5)(i) (Portable (trailing) cables and cords).

Modification Request: The petitioner requests a modification of 30 CFR 18.35(a)(5)(i) to increase the maximum length of tailing cables to supply power to permissible equipment used in continuous mining sections.

The petitioner states that:

(a) The mine will be developing three in-seam slopes, approximately 1000 feet in length each. When completed, the 9-degree slopes will be utilized to connect two vertically separated coal seams.

(b) The mine will routinely mine around oil wells which require leaving large barrier pillars to protect the wells and the underground miners.

(c) Accomplishing these mining scenarios safely and efficiently necessitates extended cable lengths, without the need to provide permissible junction boxes that would otherwise be installed and maintained in the direct paths of haulage equipment.

The petitioner proposes the following alternative method:

(a) The proposed decision and order (PDO) granted by MSHA shall apply only to trailing cables supplying three-phase 995-volts alternating current (VAC) power to continuous mining machines, supplying three-phase 480–VAC power to roof bolting machines, and supplying power to 550-volts direct current (VDC) shuttle cars.

(b) During construction of the inner-seam slope between the 11 and 9 seams, the maximum length of trailing cables shall be 1,200 feet. At all other times, the maximum length of trailing cables shall be 850 feet.

(c) Cables supplying power to:

(1) 995–VAC continuous mining machines shall not be smaller than 2/0.

(2) 480–VAC roof bolting machines shall not be smaller than #2 AWG.

(3) 550–VDC shuttle cars shall not be smaller than #2/0 AWG.

(d) Circuit Breakers used to protect 2/0 trailing cables from 850 feet to 950 feet in length supplying power to 995–VAC continuous mining machines shall have instantaneous trip units calibrated to trip at 1,500 amps. A password protected Schweitzer Engineering Laboratories (SEL) relay shall control the trip setting of these vacuum circuit breakers to ensure that the settings cannot be changed. These vacuum circuit breakers shall have a permanent legible label identifying the circuit breaker as being suitable for protecting 2/0 cables supplying power to the specified machines.

(e) Circuit breakers used to protect 2/0 trailing cables over 950 feet to 1,200 feet in length supplying power to 995–VAC continuous mining machines shall have instantaneous trip units calibrated to trip at 1,400 amps. A password protected SEL relay shall control the trip setting of these vacuum circuit breakers to ensure that the settings cannot be changed. These vacuum circuit breakers shall have a permanent legible label identifying the circuit breaker as being suitable for protecting 2/0 cables supplying power to the specified machines.

(f) Circuit breakers used to protect #2 AWG cables from 700 feet to 900 feet in length supplying power to 480–VAC roof bolting machines shall have instantaneous trip units calibrated to trip at 800 amps. The trip setting of these circuit breakers shall be sealed to ensure that the settings cannot be changed. These circuit breakers shall have permanent legible labels identifying the circuit breaker as being suitable for protecting #2 AWG cables supplying power to the specified machines.

(g) Circuit breakers used to protect #2 AWG cables over 900 feet to 1,200 feet in length supplying power to 480–VAC roof bolting machines shall have instantaneous trip units calibrated to trip at 700 amps. The trip setting of these circuit breakers shall be sealed to ensure that the settings cannot be changed. These circuit breakers shall have permanent legible labels identifying the circuit breaker as being suitable for protecting #2 AWG cables supplying power to the specified machines.

(h) Circuit breakers used to protect #2/0 AWG cables from 850 feet to 1,200 feet in length supplying power to 550–VDC shuttle cars shall have an instantaneous trip units calibrated to trip at 700 amps. The trip setting of these circuit breakers shall be sealed to ensure that the settings cannot be changed. These circuit breakers shall have permanent legible labels identifying the circuit breaker as being suitable for protecting #2/0 AWG cables supplying power to the specified machines. As specified in 30 CFR 75.703–3(d)(5), grounding diodes must have a nominal current rating of no less than 250 amps.

(i) Replacement circuit breakers and instantaneous trip units used to protect trailing cables shall be calibrated, sealed, and labeled as specified in the PDO granted by MSHA.

(j) All components that provide short-circuit protection shall have a sufficient interruption rating in accordance with the maximum calculated fault currents available. All circuit breakers used to protect trailing cables exceeding the maximum length specified in 30 CFR 18.35(a)(5)(i) shall have instantaneous trip units properly calibrated and adjusted to trip at no more than the smallest of the following values:

(1) The setting specified in 30 CFR 75.601–1;

(2) The setting specified in the approval documentation for the machine; or

(3) 70 percent of the minimum phase to phase short circuit current available at the end of the trailing cable.

(k) The short circuit analysis shall be updated whenever changes are made to the mine power system that affect the fault current available at the end of the affected trailing cables and the specified settings used to protect these trailing cables. An updated short circuit analysis which accurately determines the minimum phase to phase short circuit current available at the end of the affected trailing cables shall be made available to MSHA personnel upon request.

(l) During each production shift, persons designated by the mine operator shall visually examine the trailing cables to ensure that they are in safe operating condition. The instantaneous settings of the specifically calibrated circuit breakers shall also be visually examined to ensure that the seals or locks have not been removed and that they do not exceed the settings specified in the PDO granted by MSHA.

(m) Any trailing cable that is not in safe operating condition shall be removed from service immediately and repaired or replaced.

(n) Each splice or repair in the trailing cables shall be made in a workman-like manner and in accordance with the instructions of the manufacturer of the splice repair materials. The outer jacket of each splice or repair shall be vulcanized with flame resistant material or made with material that has been accepted by MSHA as flame resistant. Splices shall comply with the requirements of 30 CFR 75.603 and 75.604.

(o) Permanent warning labels shall be installed and maintained on the cover(s) of the power center or distribution box identifying the location of each sealed or locked short-circuit protective device. These labels shall warn miners not to change or alter these sealed short-circuit settings, and any sign of tampering with the specially calibrated circuit breaker or trip unit will require the replacement of the circuit breaker with another calibrated, sealed and/or locked trip unit. All cable couplers for these cables shall be constructed or designed, for example keyed or sized, to permit only the proper type and length of cable to be plugged into the receptacle with the proper settings.

(p) If the mining methods or operating procedures cause or contribute to the damage of any trailing cable, the cable shall be removed from service immediately and repaired or replaced. Additional precautions shall be taken to ensure that haulage roads and trailing cable storage areas are situated to minimize contact of the trailing cable with continuous mining machines, roof bolting machines, and shuttle cars. Trailing cable anchors on cable reel equipment shall be of the permanent type that minimizes the tensile forces on the trailing cables.

(q) Where the method of mining requires that trailing cables cross roadways or haulage ways, the cables shall be securely supported from the mine roof, or a substantial bridge for equipment to pass over the cables shall be provided and used.

(r) Excessive cable shall be stored behind the anchor on equipment that uses cable reels to prevent cables from overheating.

(s) The PDO granted by MSHA alternate method shall not be implemented until miners who have been designated to examine the integrity of seals or locks, verify the short circuit settings, and examine trailing cables for defects and damage, have received the training as detailed in section (y).

(t) Within 60 days after the PDO granted by MSHA becomes final, the petitioner shall submit proposed revisions for its approved 30 CFR part 48 training plan to the Mine Safety and Health Enforcement District Office for the District which the mine is located. The training shall include the following elements:

(1) Mining methods and operating procedures that will protect the trailing cables against damage;

(2) Proper procedures for examining the trailing cables to ensure that they are in safe operating condition;

(3) Hazards of setting the instantaneous circuit breakers too high to adequately protect the trailing cables;

(4) How to verify that the circuit interrupting device(s) protecting the trailing cable(s) is properly set and maintained; and

(5) How to protect trailing cables against damage caused by overheating when excessive cable is stored on the cable reel and the importance of adjusting stored cable behind the cable anchor as tramming distances change.

In support of the proposed alternative method, the petitioner submitted short circuit analyses for 950 feet and 1,200 feet lengths of cable for 995–VAC, 900 feet and 1,200 feet lengths of cable for 480–VAC, and 850 feet and 1,200 feet lengths of cable for 550–VDC to demonstrate that there is enough current available to trip the short circuit protection at the time of a fault. Pictures of the ground fault detection diode assembly and detailed technical information of the rectifier diode were also provided.

The petitioner asserts that the alternate method proposed will at all times guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

Song-ae Aromie Noe,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2024–05933 Filed 3–20–24; 8:45 am]

BILLING CODE 4520–43–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2024–024]

Freedom of Information Act (FOIA) Advisory Committee Meetings

AGENCY: Office of Government Information Services (OGIS), National Archives and Records Administration (NARA).

ACTION: Notice of Federal advisory committee meetings.

SUMMARY: We are announcing three upcoming Freedom of Information Act (FOIA) Advisory Committee meetings in accordance with the Federal Advisory Committee Act and the second United States Open Government National Action Plan.

DATES: The meetings will be on April 4, 2024, from 10 a.m. to 1 p.m. eastern time (ET); May 9, 2024, from 10 a.m. to 1 p.m. ET; and June 13, 2024, from 10 a.m. to 1 p.m. ET. You must register by 11:59 p.m. ET April 2, 2024; 11:59 p.m. ET May 7, 2024; and 11:59 p.m. ET June 11, 2024, to attend the April, May and June meetings, respectively. (See registration information below.)

ADDRESSES: These meetings will be virtual. We will send access instructions to those who register according to the instructions below.

FOR FURTHER INFORMATION CONTACT: Kirsten Mitchell, Designated Federal Officer for this committee, by email at *foia-advisory-committee@nara.gov,* or by telephone at 202.741.5775.

SUPPLEMENTARY INFORMATION:

Agendas and meeting materials: We will post all meeting materials, including the agenda, at *https://www.archives.gov/ogis/foia-advisory-committee/2022-2024-term.* These will be the ninth, tenth and eleventh meetings of the 2022–2024 committee term. The purpose of the April 4 and May 9 meetings will be to consider and vote on draft recommendations from the three Subcommittees: Resources, Implementation, and Modernization. The purpose of the June 13, 2024, meeting, the final of the 2022–2024 committee term, will be to consider the FOIA Advisory Committee's final draft report and recommendations to the Archivist of the United States.

Procedures: These virtual meetings are open to the public in accordance with the Federal Advisory Committee Act (5 U.S.C. app. 2). If you wish to offer oral public comments during the public comments periods of the meeting, you must register in advance (see deadlines in Dates section above) through Eventbrite at:

(1) *https://www.eventbrite.com/e/freedom-of-information-act-foia-advisory-committee-mtg-april-4-2024-tickets-853698423967* for the April 4, 2024, meeting;

(2) *https://www.eventbrite.com/e/freedom-of-information-act-foia-advisory-committee-mtg-may-9-2024-tickets-853849826817* for the May 9, 2024, meeting; and

(3) *https://freedom-of-information-act-foia-advisory-committee-mtg-june-13.eventbrite.com* for the June 13, 2024, meeting.

Public comments will be limited to three minutes per individual and must relate to the recommendations the Committee is considering. You must provide an email address so that we can provide you with information to access the meeting online. Public comments will be limited to three minutes per individual. We will also live-stream the meetings on the National Archives YouTube channel, *https://www.youtube.com/user/usnationalarchives,* and include a captioning option. To request additional accommodations (*e.g.,* a transcript), email *foia-advisory-committee@nara.gov* or call 202.741.5770. Members of the media who wish to register, those who are unable to register online, and those who require special accommodations, should contact Kirsten Mitchell (contact information listed above).

Merrily Harris,

Committee Management Officer.

[FR Doc. 2024–05975 Filed 3–20–24; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Institute of Museum and Library Services

Notice of Proposed Information Collection Requests: 2025–2027 Museum Grants for American Latino History and Culture Notice of Funding Opportunity

AGENCY: Institute of Museum and Library Services, National Foundation on the Arts and the Humanities.

ACTION: Notice, request for comments, collection of information.

SUMMARY: The Institute of Museum and Library Services (IMLS), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act. This pre-clearance consultation program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The purpose of this Notice is to solicit comments concerning the Notice of Funding Opportunity for Museum Grants for

American Latino History and Culture, a new grant program to support projects that build the capacity for American Latino history and culture museums. A copy of the proposed information collection request can be obtained by contacting the individual listed below in the **ADDRESSES** section of this Notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before May 19, 2024.

ADDRESSES: Send comments to Sandra Narva, Senior Grants Management Specialist—Team Lead, Office of Grants Policy and Management, Institute of Museum and Library Services, 955 L'Enfant Plaza North SW, Suite 4000, Washington, DC 20024–2135. Ms. Narva can be reached by telephone: 202–653–4634, or by email at *snarva@imls.gov.* Office hours are from 8:30 a.m. to 5 p.m., E.T., Monday through Friday, except federal holidays. Persons who are deaf or hard of hearing (TTY users) can contact IMLS at 202–207–7858 via 711 for TTY-Based Telecommunications Relay Service.

FOR FURTHER INFORMATION CONTACT: Gibran Villalobos, Senior Program Officer, Office of Museum Services, Institute of Museum and Library Services, 955 L'Enfant Plaza North SW, Suite 4000, Washington DC 20024–2135. Mr. Villalobos can be reached by telephone at 202–653–4649, or by email at *gvillalobos@imls.gov.* Persons who are deaf or hard of hearing (TTY users) can contact IMLS at 202–207–7858 via 711 for TTY-Based Telecommunications Relay Service.

SUPPLEMENTARY INFORMATION: IMLS is particularly interested in public comments that help the agency to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques, or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

I. Background

The Institute of Museum and Library Services is the primary source of federal support for the Nation's libraries and museums. We advance, support, and empower America's museums, libraries, and related organizations through grant making, research, and policy development. To learn more, visit *www.imls.gov.*

II. Current Actions

The goal of the Museum Grants for American Latino History and Culture is to support projects that build the capacity of American Latino history and culture museums to serve their communities as well as projects that broadly advance the growth and development of a professional workforce in American Latino institutions. The American Latino History and Culture Program was authorized for creation by the National Museum of the American Latino Act in 2020 (20 U.S.C. 80u) the same Act that authorized the creation of a new Smithsonian National Museum of the American Latino.

Agency: Institute of Museum and Library Services.

Title: 2025–2027 Museum Grants for American Latino History and Culture Notice of Funding Opportunity.

OMB Control Number: 3137–NEW.

Agency Number: 3137.

Respondents/Affected Public: American Latino Museums that offer or wish to offer American Latino art, history, and culture.

Total Estimated Number of Annual Respondents: 60.

Frequency of Response: Once per year.

Estimated Average Burden Hours per Response: 45.

Total Estimated Number of Annual Burden Hours: 2,700.

Total Annual Cost Burden: $87,615.

Total Annual Federal Costs: $9,400.

Public Comments Invited: Comments submitted in response to this Notice will be summarized and/or included in the request for OMB's clearance of this information collection.

Dated: March 15, 2024.

Suzanne Mbollo,

Grants Management Specialist, Institute of Museum and Library Services.

[FR Doc. 2024–05932 Filed 3–20–24; 8:45 am]

BILLING CODE 7036–01–P

NEIGHBORHOOD REINVESTMENT CORPORATION

Sunshine Act Meetings

TIME AND DATE: 3:30 p.m., Friday, March 22, 2024

PLACE: Video Conference Call/Zoom

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

- Special Board of Directors Meeting

Agenda

I. Call to Order
II. Approval of Government in Sunshine Act Notice Waiver for a Meeting of the Board of Directors
III. Action Item: Election of Governor Cook as Board Chair
IV. Discussion Item: FY2024 Budget
V. Discussion Item: Appropriation Update
VI. Adjournment

CONTACT PERSON FOR MORE INFORMATION: Jenna Sylvester, Paralegal, (202) 568–2560; *jsylvester@nw.org.*

Jenna Sylvester,

Paralegal.

[FR Doc. 2024–06034 Filed 3–19–24; 11:15 am]

BILLING CODE 7570–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–259, 50–260, and 50–296; NRC–2024–0030]

Tennessee Valley Authority; Browns Ferry Nuclear Plant, Units 1, 2, and 3; Subsequent License Renewal Application

AGENCY: Nuclear Regulatory Commission.

ACTION: Opportunity to request a hearing and to petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering an application for the subsequent license renewal of Renewed Facility Operating License Nos. DPR–33, DPR–52, and DPR–68, which authorize Tennessee Valley Authority (TVA) to operate Browns Ferry Nuclear Plant (BFN), Units 1, 2, and 3. The subsequent renewed licenses would authorize TVA to operate BFN for an additional 20 years beyond the period specified in each of the current licenses. The current operating licenses for BFN expire as follows: Unit 1 on December 20, 2033, Unit 2 on June 28, 2034, and Unit 3 on July 2, 2036.

DATES: A request for a hearing or petitions for leave to intervene must be filed by May 20, 2024.

ADDRESSES: Please refer to Docket ID NRC–2024–0030 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–2024–0030. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *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.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *Public Library:* A copy of the subsequent license renewal application for BFN can be accessed at the following public library: Athens-Limestone County Library, 603 S Jefferson St, Athens, AL 35611.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jessica Hammock, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–0740; email: *Jessica.Hammock@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC received a subsequent license renewal application (SLRA) from TVA, dated January 19, 2024 (ADAMS Accession No. ML24019A010), filed pursuant to section 103 of the Atomic Energy Act of 1954, as amended (the Act), and part 54 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Requirements for Renewal of Operating Licenses for Nuclear Power Plants,'' requesting the renewal of the operating licenses for BFN at 3,952 megawatts thermal for each unit. The BFN units are boiling-water reactors designed by General Electric and are located in Athens, Alabama. A notice of receipt of the SLRA was published in the **Federal Register** on February 8, 2024, (89 FR 8725).

The NRC staff has determined that TVA has submitted sufficient information in accordance with 10 CFR 54.19, 54.21, 54.22, 54.23, 51.45, and 51.53(c), to enable the staff to undertake a review of the application, and that the application is, therefore, acceptable for docketing. The current docket nos. 50–259, 50–260, and 50–296 for Renewed Facility Operating License Nos. DPR–33, DPR–52, and DPR–68, will be retained. The determination to accept the SLRA for docketing does not constitute a determination that a subsequent renewed license should be issued and does not preclude the NRC staff from requesting additional information as the review proceeds.

Before issuance of the requested subsequent renewed licenses, the NRC will have made the findings required by the Act and the Commission's rules and regulations. In accordance with 10 CFR 54.29, the NRC may issue a subsequent renewed license on the basis of its review if it finds that actions have been identified and have been or will be taken with respect to: (1) managing the effects of aging during the period of extended operation on the functionality of structures and components that have been identified as requiring aging management review; and (2) time-limited aging analyses that have been identified as requiring review, such that there is reasonable assurance that the activities authorized by the renewed license will continue to be conducted in accordance with the current licensing basis and that any changes made to the plant's current licensing basis will comply with the Act and the Commission's regulations.

Additionally, in accordance with 10 CFR 51.95(c), the NRC staff will prepare an environmental impact statement as a supplement to the Commission's NUREG–1437, ''Generic Environmental Impact Statement for License Renewal of Nuclear Power Plants,'' dated June 2013 (ADAMS Accession No. ML13106A241). In considering the SLRA, the Commission must find that the applicable requirements of subpart A of 10 CFR part 51 have been satisfied, and that any matters raised under 10 CFR 2.335 have been addressed. Pursuant to 10 CFR 51.26, and as part of the environmental scoping process, the staff intends to hold public scoping meetings. Detailed information regarding the environmental scoping meetings will be the subject of a separate **Federal Register** notice.

II. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult 10 CFR 2.309. If a petition is filed, the presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

Petitions must be filed no later than 60 days from the date of publication of this notice in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii).

A State, local governmental body, federally recognized Indian Tribe, or designated agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h) no later than 60 days from the date of publication of this notice. Alternatively, a State, local governmental body, federally recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

For information about filing a petition and about participation by a person not a party under 10 CFR 2.315, see ADAMS Accession No. ML20340A053 (*https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML20340A053*) and the NRC's public website at *https://www.nrc.gov/about-nrc/regulatory/adjudicatory/hearing.html#participate.*

III. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings including documents filed by an interested State, local governmental body, federally recognized Indian Tribe, or designated agency thereof that requests to participate under 10 CFR 2.315(c), must be filed in accordance with 10 CFR 2.302. The E-Filing process requires

participants to submit and serve all adjudicatory documents over the internet, or in some cases, to mail copies on electronic storage media, unless an exemption permitting an alternative filing method, as further discussed, is granted. Detailed guidance on electronic submissions is located in the ''Guidance for Electronic Submissions to the NRC'' (ADAMS Accession No. ML13031A056) and on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals.html.*

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *Hearing.Docket@nrc.gov*, or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals/getting-started.html.* After a digital ID certificate is obtained and a docket created, the participant must submit adjudicatory documents in Portable Document Format. Guidance on submissions is available on the NRC's public website at *https://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. ET on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email confirming receipt of the document. The E-Filing system also distributes an email that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed to obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., ET, Monday through Friday, except Federal holidays.

Participants who believe that they have good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted in accordance with 10 CFR 2.302(b)–(d). Participants filing adjudicatory documents in this manner are responsible for serving their documents on all other participants. Participants granted an exemption under 10 CFR 2.302(g)(2) must still meet the electronic formatting requirement in 10 CFR 2.302(g)(1), unless the participant also seeks and is granted an exemption from 10 CFR 2.302(g)(1).

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is publicly available at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the presiding officer. If you do not have an NRC-issued digital ID certificate as previously described, click ''cancel'' when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information such as social security numbers, home addresses, or personal phone numbers in their filings unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants should not include copyrighted materials in their submission.

Detailed information about the license renewal process can be found under the Reactor License Renewal section on the NRC's public website at *https://www.nrc.gov/reactors/operating/licensing/renewal.html.* Copies of the application to renew the operating license for BFN are available for public inspection at the NRC's PDR, and on the NRC's public website at *https://www.nrc.gov/reactors/operating/licensing/renewal/applications.html.* The application may be accessed in ADAMS through the NRC Library on the internet at *https://www.nrc.gov/reading-rm/adams.html* under ADAMS Accession No. ML24019A010. As previously stated, persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS may contact the NRC's PDR reference staff by telephone at 1–800–397–4209 or 301–415–4737, or by email to *PDR.Resource@nrc.gov.*

Dated: March 18, 2024.

For the Nuclear Regulatory Commission.

Lauren Gibson,

Chief, License Renewal Project Branch, Division of New and Renewed Licenses, Office of Nuclear Reactor Regulation.

[FR Doc. 2024–06047 Filed 3–20–24; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2023–0101]

Information Collection: NRC Form 483, Registration Certificate—In Vitro Testing With Byproduct Material Under General License

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of submission to the Office of Management and Budget; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has recently submitted a request for renewal of an existing collection of information to the Office of Management and Budget (OMB) for review. The information collection is entitled, NRC Form 483, ''Registration Certificate—In Vitro Testing With Byproduct Material Under General License.''

DATES: Submit comments by April 22, 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: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *https://www.reginfo.gov/*

public/do/PRAMain. Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: David Cullison, NRC Clearance Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2023–0101 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–2023–0101.
- *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.* A copy of the collection of information and related instructions may be obtained without charge by accessing ADAMS Accession No. ML23214A355. The supporting statement is available in ADAMS under Accession No. ML24045A325.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.
- *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.*

B. Submitting Comments

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

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 OMB, 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

Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC recently submitted a request for renewal of an existing collection of information to OMB for review entitled, NRC Form 483, ''Registration Certificate—In Vitro Testing With Byproduct Material Under General License.'' The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on October 27, 2023, 88 FR 73881.

1. *The title of the information collection:* NRC Form 483, Registration Certificate—In Vitro Testing With Byproduct Material Under General License.

2. *OMB approval number:* 3150–0038.

3. *Type of submission:* Extension.

4. *The form number, if applicable:* NRC Form 483.

5. *How often the collection is required or requested:* There is a one-time submittal of information to receive a validated copy of the NRC Form 483 with an assigned registration number. In addition, any changes in the information reported on the NRC Form 483 must be reported in writing to the NRC within 30 days after the effective date of the change.

6. *Who will be required or asked to respond:* Any physician, veterinarian in the practice of veterinary medicine, clinical laboratory, or hospital which desires a general license to receive, acquire, possess, transfer, or use specified units of byproduct material in certain in vitro clinical or laboratory tests.

7. *The estimated number of annual responses:* 6.

8. *The estimated number of annual respondents:* 3.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 0.65 hours (0.5 hours reporting + 0.15 hours recordkeeping).

10. *Abstract:* Section 31.11 of title 10 of the *Code of Federal Regulations* (10 CFR), established a general license authorizing any physician, clinical laboratory, veterinarian in the practice of veterinary medicine, or hospital to possess certain small quantities of byproduct material for in vitro clinical or laboratory tests not involving the internal or external administration of the byproduct material or the radiation therefrom to human beings or animals. Possession of byproduct material under 10 CFR 31.11 is not authorized until the physician, clinical laboratory, veterinarian in the practice of veterinary medicine, or hospital has filed the NRC Form 483 and received from the Commission a validated copy of the NRC Form 483 with a registration number. The licensee can use the validated copy of the NRC Form 483 to obtain byproduct material from a specifically licensed supplier. The NRC incorporates this information into a database which is used to verify that a general licensee is authorized to receive the byproduct material.

Dated: March 18, 2024.

For the Nuclear Regulatory Commission.

David Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2024–05976 Filed 3–20–24; 8:45 am]

BILLING CODE 7590–01–P

PEACE CORPS

Information Collection Request; Submission for OMB Review

AGENCY: Peace Corps.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Peace Corps will be submitting the following information

collection request to the Office of Management and Budget (OMB) for review and approval. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB. We are conducting this process in accordance with the Paperwork Reduction Act of 1995.

DATES: Submit comments on or before May 20, 2024.

ADDRESSES: Comments should be addressed to James Olin, FOIA/Privacy Act Officer. James Olin can be contacted by email at *pcfr@peacecorps.gov* or by phone at (202) 692–2507. Email comments must be made in text and not in attachments.

FOR FURTHER INFORMATION CONTACT: James Olin at the Peace Corps address above or by phone at (202) 692–2507.

SUPPLEMENTARY INFORMATION:

Title: Annual Coverdale Fellows Interest Survey.

OMB Control Number: 0420–***.

Type of Request: New.

Affected Public: Individuals.

Respondents Obligation to Reply: Voluntary.

Burden to the Public:

Estimated burden (hours) of the collection of information:

a. *Number of respondents:* 9,000.

b. *Frequency of response:* 1 time.

c. *Completion time:* 5 minutes.

d. *Annual burden hours:* 750 hours.

General Description of Collection: The Paul D. Coverdell Fellows program is a graduate school benefit for returned Peace Corps Volunteers (RPCVs). The program, managed by the Peace Corps Office of University Programs, is made in formal partnership with graduate degree granting educational institutions across the United States. The partnering institutions are required to offer financial support to RPCVs who, in turn, complete substantive internships related to their program of study in underserved communities in the United States. This survey will inform the Peace Corps if the current selection of Coverdell Fellows Programs available are meeting the demand of RPCVs, and inform how to make strategic decisions of the future of the Coverdell Fellows Program.

Request for Comment: The Peace Corps invites comments on whether the proposed collections of information are necessary for proper performance of the functions of the Peace Corps, including whether the information will have practical use; the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the information to be collected; and, ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

This notice is issued in Washington, DC, on March 18, 2024.

James Olin,

FOIA/Privacy Act Officer.

[FR Doc. 2024–05997 Filed 3–20–24; 8:45 am]

BILLING CODE 6051–01–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* March 21, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on March 14, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 201 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2024–207, CP2024–213.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–05960 Filed 3–20–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* March 20, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on March 14, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 200 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2024–206, CP2024–212.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–05959 Filed 3–20–24; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–667, OMB Control No. 3235–0745]

Submission for OMB Review; Comment Request; Extension: Rule 18a–5

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 18a–5, under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 18a–5 enumerates the recordkeeping and reporting requirements for security-based swap dealers (''SBSDs'') and major security-based swap participants (''MSBSPs''). More specifically, Rule 18a–5 establishes recordkeeping requirements applicable to stand-alone SBSDs, stand-alone MSBSPs, bank SBSDs, and bank MSBSPs. Rule 18a–5 was modeled on Rule 17a–3 under the Exchange Act, which applies to broker-dealers, but Rule 18a–5 does not include a parallel requirement for every requirement in Rule 17a–3 because some of the requirements in Rule 17a–3 relate to activities that are not expected or permitted of SBSDs and MSBSPs. The collections of information under Rule 18a–5 include the following types of

records that are required to be created: trade blotters, general ledger, ledgers for customers and non-customer accounts, stock record, memoranda of brokerage orders, memoranda of proprietary orders, confirmations, accountholder information, options positions, trial balances and computation of net capital, associated person's employment application, account equity and margin calculations under Rule 18a–3, possession or control requirements for security-based swap customers, customer reserve requirements for security-based swap customers, unverified transactions, political contributions, and compliance with business conduct requirements. The purpose of requiring stand-alone SBSDs, stand-alone MSBSPs, bank SBSDs, and bank MSBSPs to create the records specified in Rule 18a–5 is to enhance regulators' ability to protect investors. These records and the information contained therein are used by examiners and other representatives of the Commission to determine whether stand-alone SBSDs, stand-alone MSBSPs, bank SBSDs, and bank MSBSPs are in compliance with the Commission's anti-fraud and anti-manipulation rules, financial responsibility program, and other laws, rules, and regulations.

Not all types of records enumerated in Rule 18a–5 are required to be made by each of the entities to which Rule 18a–5 applies. For example, Rule 18a–5 requires thirteen types of records to be made and kept current by stand-alone SBSDs and stand-alone MSBSPs.[1] Rule 18a–5 also requires three types of records to be made and kept current by stand-alone SBSDs.[2] Rule 18a–5 requires 10 types of records to be made and kept current by bank SBSDs and bank MSBSPs, all of which are limited to the firm's business as an SBSD or MSBSP.[3] Further, Rule 18a–5 includes paragraphs (b)(9), (b)(10), and (b)(12) which requires bank SBSDs to make and keep current various records for security-based swaps.[4]

As of November 30, 2023, there are 11 stand-alone SBSDs, zero stand-alone MSBSPs, 29 bank SBSDs, and zero bank MSBSPs registered with the Commission. The Commission estimates that each recordkeeping provision of Rule 18a–5 imposes on each firm that is subject to the provision an initial burden and an ongoing annual burden. The total initial industry hour burden attributable to Rule 18a–5 is estimated to be 11,060 hours in the first year and the total industry ongoing hour burden attributable to Rule 18a–5 is estimated to be 13,825 hours per year (including the first year). Over a three-year period, the total estimated industry burden is estimated to be 52,535 hours, or about 17,511 hours per year when annualized. These burdens are recordkeeping burdens.

In addition, the Commission estimates that Rule 18a–5 causes a stand-alone SBSD or stand-alone MSBSP to incur an initial dollar cost of approximately $1,000 to purchase recordkeeping system software and an ongoing dollar cost of $4,650 per year to provide adequate physical space and computer hardware and software for storage. As of November 30, 2023, there are 11 respondents (11 stand-alone SBSDs and zero stand-alone MSBSPs), resulting in an estimated industry-wide initial burden of $11,000 and an industry-wide ongoing burden of $51,150 per year. Over a three-year period, the total estimated industry burden would be $164,450, or about $54,817 per year when annualized.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent by April 22, 2024 to (i) *www.reginfo.gov/public/do/PRAMain* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: March 18, 2024.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–05993 Filed 3–20–24; 8:45 am]

BILLING CODE 8011–01–P

[1] *See* Rule 18a–5 (paragraph (a)(1) (trade blotters); paragraph (a)(2) (general ledgers); paragraph (a)(3) (ledgers of customer and non-customer accounts); paragraph (a)(4) (stock record); paragraph (a)(5) (memoranda of proprietary orders); paragraph (a)(6) (confirmations); paragraph (a)(7) (accountholder information); paragraph (a)(8) (options positions); paragraph (a)(9) (trial balances and computation of net capital); paragraph (a)(10) (associated person's application); paragraph (a)(12) (Rule 18a–3 calculations); paragraph (a)(15) (unverified transactions); paragraph (a)(17) (compliance with business conduct standards)).

[2] *See* Rule 18a–5 (paragraph (a)(13) (compliance with Rule 18a–4 possession or control requirements); paragraph (a)(14) (Rule 18a–4 reserve account computations); and paragraph (a)(16) (political contributions)).

[3] *See* Rule 18a–5 (paragraph (b)(1) (trade blotters); paragraph (b)(2) (general ledgers); paragraph (b)(3) (stock record); paragraph (b)(4) (memoranda of brokerage orders); paragraph (b)(5) (memoranda of proprietary orders); paragraph (b)(6) (confirmations); paragraph (b)(7) accountholder information); paragraph (b)(8) (associated person's application); paragraph (b)(11) (unverified transactions); and paragraph (b)(13) (compliance with business conduct requirements)).

[4] *See* Rule 18a–5 (paragraph (b)(9) (possession or control requirements under Rule 18a–4); paragraph (b)(10) (customer reserve requirements under Rule 18a–4); and paragraph (b)(12) (political contributions)).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–99751; File No. SR–BOX–2024–06]

Self-Regulatory Organizations; BOX Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fee Schedule for Trading on BOX Options Market Facility To Amend Certain Rebates for Qualified Contingent Cross Transactions

March 15, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 1, 2024, BOX Exchange LLC (''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange filed the proposed rule change pursuant to Section 19(b)(3)(A)(ii) of the Act,[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange is filing with the Securities and Exchange Commission (''Commission'') a proposed rule change to amend the Fee Schedule on the BOX Options Market LLC (''BOX'') options facility to amend certain rebates for Qualified Contingent Cross (''QCC'') transactions. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

and also on the Exchange's internet website at *https://rules.boxexchange.com/rulefilings.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule for trading on BOX to amend certain rebates for Qualified Contingent Cross (''QCC'') transactions. A QCC Order is defined as an originating order (Agency Order) to buy or sell at least 1,000 standard option contracts, or 10,000 mini-option contracts, that is identified as being part of a qualified contingent trade, coupled with a contra side order to buy or sell an equal number of contracts.[5]

Currently, BOX assesses $0.20 per contract to Broker Dealers and Market Makers for both the Agency Order and contra order of a QCC transaction. Public Customers and Professional Customers are not assessed a QCC Transaction Fee. Further, rebates are paid on all qualifying orders pursuant to Section IV.D.1 of the BOX Fee Schedule. Specifically, a QCC Rebate is paid to the Participant that entered the order into the BOX system when at least one party to the QCC transaction is a Broker Dealer or Market Maker. The Participant receives a per contract rebate on QCC transactions according to the tier achieved. Volume thresholds are calculated on a monthly basis by totaling the Participant's QCC Agency Order volume on BOX. The Exchange notes that the QCC Rebate is intended to incentivize the sending of more QCC Orders to BOX.

The Exchange now proposes to amend the QCC Rebate tiers in Section IV.D.1 of the BOX Fee Schedule. Specifically, the Exchange proposes to amend the volume thresholds in Tiers 1, 2, and 3. For Tier 1, the Exchange proposes to decrease the volume threshold to 0 to 749,999 contracts from 0 to 999,999 contracts. For Tier 2, the Exchange proposes to decrease the volume threshold to 750,000 to 1,499,999 contracts from 1,000,000 to 1,999,999 contracts. For Tier 3, the Exchange proposes to decrease the volume threshold to 1,500,000+ contracts from 2,000,000+ contracts.

The proposed QCC Rebate tier structure will be as follows:

Tier	QCC agency order volume on BOX (per month)	Rebate 1 (per contract)	Rebate 2 (per contract)
1	0 to 749,999 contracts	($0.14)	($0.22)
2	750,000 to 1,499,999 contracts	(0.16)	(0.25)
3	1,500,000+ contracts	(0.17)	(0.27)

The Exchange also proposes to amend the QCC Growth Rebate to account for the changes discussed above. Specifically, the Exchange proposes that if a Participant's QCC Agency Order volume on BOX achieves Tier 2 of the QCC Rebate in the month AND the Participant's total QCC volume combined with total QOO volume exceeds 5 million (formerly 6 million) contracts per month, then the Participant will qualify for the rebates in Tier 3 of the QCC Rebate. The Exchange believes that the proposed changes discussed above will encourage Participants to send increased QCC and QOO order flow to BOX in order to achieve a rebate, which will result in increased liquidity on BOX to the benefit of all market participants.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act, in general, and Section 6(b)(4) and 6(b)(5) of the Act,[6] in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among BOX Participants and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes the proposed changes to the QCC Rebate tiers are reasonable because the proposed changes provide opportunities for Participants to receive higher rebates for their QCC Order volume on BOX. Further, the Exchange believes the proposed changes to the QCC rebate tiers are equitable and not unfairly discriminatory as the proposed rebates will apply uniformly to the Participants that reach the applicable tiers.

The Exchange continues to believe that the proposed rebate structure and rebate amounts are reasonable as it provides an incremental incentive for Participants to strive for the higher tier levels, which provide increasingly higher rebates for incrementally more QCC volume achieved, which the Exchange believes is a reasonably designed incentive for Participants to grow their QCC order flow to receive the enhanced rebates.

The Exchange believes the proposed change to the QCC Growth Rebate is reasonable because this rebate provides incentives for BOX Participants to engage in increased trading activity which would serve to bring additional open outcry liquidity to the Trading Floor and additional QCC order flow to BOX. The Exchange believes the proposed decrease in total QCC volume combined with total QOO volume will encourage Participants to send such order flow to BOX for the opportunity to earn the rebate.

The Exchange believes that the proposed QCC Growth Rebate qualifications are reasonable because they offer Participants an opportunity to achieve a higher QCC rebate. Additionally, the Exchange believes the proposed change to the QCC Growth Rebate is equitable and not unfairly discriminatory because any Participant may qualify for this rebate.[7]

[5] *See* BOX Rule 7110(c)(6).

[6] 15 U.S.C. 78f(b)(4) and (5).

[7] The Exchange notes that all BOX Participants may transact an options business electronically or on the BOX Trading Floor with a registered Trading Permit. BOX Participants may transact business on the Trading Floor through a Floor Broker.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange believes the proposal does not impose an undue burden on inter-market competition because the proposed changes to the QCC Rebate and the QCC Growth Rebate will promote competition for QCC transactions. Specifically, the volume thresholds required to qualify for the rebates will be reduced, which may allow Participants access to higher rebates. The Exchange believes further its proposal remains competitive with other options markets and will offer market participants with another choice of where to transact its business. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees and rebates to remain competitive with other exchanges. Because competitors are free to modify their own fees and rebates in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

The proposed changes do not impose an undue burden on intramarket competition because the Exchange does not believe that its proposal will place any category of market participant at a competitive disadvantage. The Exchange believes that the proposed changes will encourage market participants to send their QCC orders to BOX for execution in order to obtain greater rebates and lower their costs.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Exchange Act[8] and Rule 19b–4(f)(2) thereunder,[9] because it establishes or changes a due, or fee.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend the rule change if it appears to the Commission that the action is necessary or appropriate in the public interest, for the protection of investors, or would otherwise further the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–BOX–2024–06 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–BOX–2024–06. 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–BOX–2024–06 and should be submitted on or before April 11, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–05952 Filed 3–20–24; 8:45 am]

BILLING CODE 8011–01–P

[8] 15 U.S.C. 78s(b)(3)(A)(ii).

[9] 17 CFR 240.19b–4(f)(2).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–99747; File No. SR–ISE–2024–09]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend its Fees for Connectivity and Co-Location Services

March 15, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 1, 2024, Nasdaq ISE, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's fees for connectivity and co-location services, as described further below.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/ise/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Exchange's fees relating to connectivity and co-location services. Specifically, the Exchange proposes to raise its fees for connectivity and co-location services in General 8 as well as certain fees related to its Testing Facilities in Options 7, Section 8 by 5.5%, with certain exceptions.

General 8, Section 1 includes the Exchange's fees that relate to connectivity, including fees for cabinets, external telco/inter-cabinet connectivity fees, fees for connectivity to the Exchange, fees for connectivity to third party services, fees for market data connectivity, fees for cabinet power install, and fees for additional charges and services. General 8, Section 2 includes the Exchange's fees for direct connectivity services, including fees for direct circuit connection to the Exchange, fees for direct circuit connection to third party services, and fees for point of presence connectivity. With the exception of the Exchange's GPS Antenna fees,[3] the Exchange proposes to increase its fees throughout General 8 by 5.5%.

In addition to increasing fees in General 8, the Exchange also proposes to increase certain fees in Options 7, Section 8, which relate to the Testing Facility. Options 7, Section 8(I) provides that subscribers to the Testing Facility located in Carteret, New Jersey shall pay a fee of $1,000 per hand-off, per month for connection to the Testing Facility. The hand-off fee includes either a 1Gb or 10Gb switch port and a cross connect to the Testing Facility. In addition, Options 7, Section 8(I) provides that subscribers shall also pay a one-time installation fee of $1,000 per hand-off. The Exchange proposes to increase these aforementioned fees by 5.5% to require that subscribers to the Testing Facility shall pay a fee of $1,055 per hand-off, per month for connection to the Testing Facility and a one-time installation fee of $1,055 per hand-off.

The proposed increases in fees would enable the Exchange to maintain and improve its market technology and services. The Exchange has not increased any of the fees included in the proposal since 2017.[4] However, since 2017, there has been notable inflation. Between 2017 and 2024, the dollar had an average inflation rate of 3.34% per year, producing a cumulative price increase of 25.82%.[5] Notwithstanding inflation, the Exchange historically has not increased its fees every year.[6] The proposed fees represent a 5.5% increase from the current fees, which is far below inflation since 2017, which exceeded 25%. The proposed 5.5% increase is comparable to recent inflation rates for one-year periods. For example, in 2023, the inflation rate was 4.12% and in 2022, the inflation rate was 8%.[7] The Exchange notes that other exchanges have filed for comparable or higher increases in certain connectivity-related fees, based in part on similar rationale.[8]

In offering connectivity and co-location services, the Exchange incurs certain costs, including costs related to the data center facility, hardware and equipment, and personnel. The Exchange's costs to offer such services have risen, in part because the Exchange is subject to annual escalation clauses that increase certain costs for the Exchange. The Exchange seeks to cover a portion of its increased costs by the proposed 5.5% increase in fees as described above. The Exchange does not seek to cover the full extent of its cost increases with this proposal. In addition, the Exchange continues to invest in improvements that enhance the value of its connectivity and co-location services, including by refreshing hardware and expanding the co-location facility to offer customers additional space and power.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[10] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

This belief is based on a couple factors. First, the current fees do not properly reflect the value of the services and products, as fees for the services and products in question have been static in nominal terms, and therefore falling in real terms due to inflation. Second, exchange fees are constrained by the fact that market participants can choose among 17 different venues for options trading, and therefore no single venue can charge excessive fees for its products without losing customers and market share.

Real Exchange Fees Have Fallen

As explained above, the Exchange has not increased any of the fees included in the proposal since 2017. This means that such fees have fallen in real terms due to inflation, which has been notable. Between 2017 and 2024, the dollar had an average inflation rate of 3.34% per year, producing a cumulative price increase of 25.82%.[11] Notwithstanding inflation, the Exchange historically has not increased its fees every year.[12] As noted above, the Exchange has not increased the fees in this proposal for over 6 years. Accordingly, the Exchange believes that the proposed fees are reasonable as they represent a 5.5% increase from the current fees, which is far below inflation since 2017, which exceeded 25%. The proposed 5.5% increase is comparable to recent inflation rates for one-year periods. For example, in 2023, the inflation rate was 4.12% and in 2022, the inflation rate was 8%.[13]

[3] The Exchange proposes to exclude the GPS Antenna fees from the proposed fee increase because, unlike the other fees in General 8, the Exchange recently increased its GPS Antenna fees. *See* Securities Exchange Act Release No. 34–99131 (December 11, 2023), 88 FR 86979 (December 15, 2023) (SR–ISE–2023–33).

[4] *See* Securities Exchange Act Release No. 34–81903 (October 19, 2017), 82 FR 49450 (October 25, 2017) (SR–ISE–2017–91).

[5] *See https://www.officialdata.org/us/inflation/2017?amount=1* (Last updated February 27, 2024).

[6] Unregulated competitors providing connectivity and colocation services often have annual price increases written into their agreements with customers to account for inflation and rising costs.

[7] *See https://www.officialdata.org/us/inflation/2022?endYear=2023&amount=1.*

[8] *See, e.g.,* Securities Exchange Act Release No. 34–99550 (February 16, 2024), 89 FR 13763 (February 23, 2024) (SR–CboeBYX–2024–006).

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(4) and (5).

[11] *See https://www.officialdata.org/us/inflation/2017?amount=1* (Last updated February 27, 2024).

[12] As noted above, unregulated competitors providing connectivity and colocation services often have annual price increases written into their agreements with customers to account for inflation and rising costs.

[13] *See https://www.officialdata.org/us/inflation/2022?endYear=2023&amount=1.*

Not only have real exchange fees fallen, but the Exchange's costs to provide connectivity and co-location services have increased. As stated above, in offering connectivity and co-location services, the Exchange incurs certain costs, including costs related to the data center facility, hardware and equipment, and personnel. The Exchange's costs to offer such services have risen, in part because the Exchange is subject to annual escalation clauses that increase certain costs for the Exchange. The Exchange seeks to cover a portion of its increased costs by the proposed 5.5% increase in fees as described above. The Exchange does not seek to cover the full extent of its cost increases with this proposal. In addition, the Exchange continues to invest in improvements that enhance the value of its connectivity and co-location services, including by refreshing hardware and expanding the co-location facility to offer customers additional space and power.

Customers Have a Choice in Trading Venue

Customers face many choices in where to trade options. Market participants will continue to choose trading venues and the method of connectivity based on their specific needs. No broker-dealer is required to become a Member of the Exchange. There is no regulatory requirement that any market participant connect to any one exchange, nor that any market participant connect at a particular connection speed or act in a particular capacity on the Exchange, or trade any particular product offered on an exchange. Moreover, membership is not a requirement to participate on the Exchange. Indeed, the Exchange is unaware of any one exchange whose membership includes every registered broker-dealer. The Exchange also believes substitutable products and services are available to market participants, including, among other things, other options exchanges that a market participant may connect to in lieu of the Exchange, indirect connectivity to the Exchange via a third-party reseller of connectivity, and/or trading of options products within markets which do not require connectivity to the Exchange, such as the Over-the-Counter (OTC) markets.

There are currently 17 exchanges offering options trading services. No single options exchange trades more than 14% of the options market by volume and only one of the 17 options exchanges has a market share over 10 percent.[14] This broad dispersion of market share demonstrates that market participants can and do exercise choice in trading venues. Further, low barriers to entry mean that new exchanges may rapidly enter the market and offer additional substitute platforms to further compete with the Exchange and the products it offers.

As such, the Exchange must set its fees, including its fees for connectivity and co-location services and products, competitively. If not, customers may move to other venues or reduce use of the Exchange's services. ''If competitive forces are operative, the self-interest of the exchanges themselves will work powerfully to constrain unreasonable or unfair behavior.'' [15] Accordingly, ''the existence of significant competition provides a substantial basis for finding that the terms of an exchange's fee proposal are equitable, fair, reasonable, and not unreasonably or unfairly discriminatory.'' [16] Disincentivizing market participants from purchasing Exchange connectivity would only serve to discourage participation on the Exchange, which ultimately does not benefit the Exchange. Moreover, if the Exchange charges excessive fees, it may stand to lose not only connectivity revenues but also other revenues, including revenues associated with the execution of orders.

In summary, the proposal represents an equitable allocation of reasonable dues, fees and other charges because Exchange fees have fallen in real terms and customers have a choice in trading venue and will exercise that choice and trade at another venue if exchange fees are not set competitively.

No Unfair Discrimination

The Exchange believes that the proposed fee changes are not unfairly discriminatory because the fees are assessed uniformly across all market participants that voluntarily subscribe to or purchase connectivity and co-location services or products, which are available to all customers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Nothing in the proposal burdens inter-market competition (the competition among self-regulatory organizations) because approval of the proposal does not impose any burden on the ability of other exchanges to compete. The Exchange operates in a highly competitive market in which market participants can determine whether or not to connect to the Exchange based on the value received compared to the cost of doing so. Indeed, market participants have numerous alternative exchanges that they may participate on and direct their order flow, as well as off-exchange venues, where competitive products are available for trading.

Nothing in the proposal burdens intra-market competition (the competition among consumers) because the Exchange's connectivity and co-location services are available to any customer under the same fee schedule as any other customer, and any market participant that wishes to purchase such services can do so on a non-discriminatory basis.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[17] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

[14] *See* Nasdaq, Options Market Statistics (Last updated January 11, 2024), available at *https://www.nasdaqtrader.com/Trader.aspx?id=OptionsVolumeSummary.*

[15] *See* Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770 (December 9, 2008) (SR–NYSEArca–2006–21).

[16] *Id.*

[17] 15 U.S.C. 78s(b)(3)(A)(ii).

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–ISE–2024–09 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–ISE–2024–09. 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–ISE–2024–09 and should be submitted on or before April 11, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–05948 Filed 3–20–24; 8:45 am]

BILLING CODE 8011–01–P

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–99742; File No. SR–NYSECHX–2024–10]

Self-Regulatory Organizations; NYSE Chicago, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 7.31

March 15, 2024.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that on March 6, 2024, NYSE Chicago, Inc. (''NYSE Chicago'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 7.31 to provide for the use of Day ISO Reserve Orders and make other conforming changes. The proposed rule change is available on the Exchange's website at *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.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 7.31 to provide for the use of Day ISO Reserve Orders and make conforming changes in Rule 7.11 (Limit Up-Limit Down Plan and Trading Pauses in Individual Securities Due to Extraordinary Market Volatility) and Rule 7.37 (Order Execution and Routing).

Day ISO Orders

Rule 7.31(e)(3) defines an Intermarket Sweep Order (''ISO'') as a Limit Order that does not route and meets the requirements of Rule 600(b)(38) of Regulation NMS. As described in Rules 7.31(e)(3)(A) and subparagraphs (i) and (ii) thereunder, an ISO may trade through a protected bid or offer and will not be rejected or cancelled if it would lock, cross, or be marketable against an Away Market, provided that (1) it is identified as an ISO and (2) simultaneously with its routing to the Exchange, the Participant that submits the ISO also routes one or more additional Limit Orders, as necessary, to trade against the full displayed size of any protected bids (for sell orders) or protected offers (for buy orders) on Away Markets.

Rule 7.31(e)(3)(C) provides that an ISO designated Day (''Day ISO''), if marketable on arrival, will immediately trade with contra-side interest on the Exchange Book up to its full size and limit price. Any untraded quantity of a Day ISO will be displayed at its limit price and may lock or cross a protected quotation that was displayed at the time the order arrived.

Reserve Orders

Rule 7.31(d)(1) provides for Reserve Orders, which are Limit or Inside Limit Orders with a quantity of the size displayed and with a reserve quantity (''reserve interest'') of the size that is not displayed. The displayed quantity of a Reserve Order is ranked Priority 2—Display Orders, and the reserve interest is ranked Priority 3—Non-Display Orders. Both the display quantity and the reserve interest of an arriving marketable Reserve Order are eligible to trade with resting interest in the Exchange Book or to route to Away Markets. The working price of the reserve interest of a resting Reserve Order will be adjusted in the same manner as a Non-Displayed Limit Order, as provided for in Rule 7.31(d)(2)(A).

As described in Rule 7.31(d)(1)(A), the display quantity of a Reserve Order must be entered in round lots, and the displayed portion of a Reserve Order will be replenished when the display quantity is decremented to below a round lot. The replenish quantity will be the minimum display size of the order or the remaining quantity of the

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

reserve interest if it is less than the minimum display quantity.

Rule 7.31(d)(1)(B) provides that each time the display quantity of a Reserve Order is replenished from reserve interest, a new working time is assigned to the replenished quantity (each display quantity with a different working time is referred to as a ''child'' order), while the reserve interest retains the working time of the original order entry. In addition, when a Reserve Order is replenished from reserve interest and already has two child orders that equal less than a round lot, the child order with the later working time will rejoin the reserve interest and be assigned the new working time assigned to the next replenished quantity. If a Reserve Order is not routable, the replenish quantity will be assigned a display and working price consistent with the instructions for the order.

Rule 7.31(d)(1)(C) provides that a Reserve Order must be designated Day and may only be combined with a Non-Routable Limit Order or Primary Pegged Order.

Rule 7.31(d)(1)(D) provides that routable Reserve Orders will be evaluated for routing both on arrival and each time their display quantity is replenished.

Rule 7.31(d)(1)(E) provides that a request to reduce the size of a Reserve Order will cancel the reserve interest before cancelling the display quantity, and, if the Reserve Order has more than one child order, the child order with the latest working time will be cancelled first.

Rule 7.31(d)(1)(F) provides that, if the PBBO is crossed and the display quantity of a Reserve Order to buy (sell) that is a Non-Routable Limit Order is decremented to less than a round lot, the display price and working price of such Reserve Order will not change and the reserve interest that replenishes the display quantity will be assigned a display price one MPV below (above) the PBO (PBB) and a working price equal to the PBO (PBB). Rule 7.31(d)(1)(F) further provides that, when the PBBO uncrosses, the display price and working price will be adjusted as provided for under Rule 7.31(e)(1) relating to Non-Routable Limit Orders or, for an ALO Order designated as Reserve, as provided for under Rule 7.31(e)(2)(E).

Day ISO Reserve Orders

The Exchange proposes to amend Rule 7.31 to provide for the use of Day ISO Reserve Orders. The proposed change is not intended to modify any current functionality, but would instead facilitate the combination of two order types currently offered by the Exchange to offer increased efficiency to Participants. As proposed, Day ISO Reserve Orders would, except as otherwise noted, operate consistent with current Rule 7.31(d)(1) regarding Reserve Orders and current Rule 7.31(e)(3)(C) regarding Day ISO Orders. To allow for the use of Day ISO Reserve Orders, the Exchange first proposes to amend Rule 7.31(d)(1)(C) to include Day ISO Orders among the order types that may be designated as Reserve Orders.

The proposed change is intended to allow Day ISO Orders, as described in Rule 7.31(e)(3)(C),[4] to have a displayed quantity, along with non-displayed reserve interest, as described in Rule 7.31(d)(1). The display quantity of a Day ISO Reserve Order would be replenished as provided in Rules 7.31(d)(1)(A) and (B), except that the Exchange proposes to add new rule text to Rule 7.31(d)(1)(B)(ii), which currently provides that the replenish quantity of a non-routable Reserve Order will be assigned a display and working price consistent with the instructions for the order. Because Day ISO Reserve Orders would be non-routable but could not be replenished at their limit price given the specific requirements for ISOs (as described above),[5] the Exchange proposes to amend Rule 7.31(d)(1)(B)(ii) to specify that the replenish quantity of a Day ISO Reserve Order would be assigned a display price and working price in the same manner as a Non-Routable Limit Order, as provided for under paragraph (e)(1) of this Rule.

As currently described in Rule 7.31(e)(3)(C), a Day ISO Reserve Order, if marketable on arrival, would immediately trade with contra-side interest on the Exchange Book up to its full size and limit price. Currently, Rule 7.31(e)(3)(C) further provides that any untraded quantity of a Day ISO will be displayed at its limit price and may lock or cross a protected quotation that was displayed at the time of arrival of the Day ISO. The Exchange proposes two changes to Rule 7.31(e)(3)(C) to reflect the operation of Day ISO Reserve Orders:

- The Exchange proposes to amend the second sentence of Rule 7.31(e)(3)(C) to specify that reserve interest of a Day ISO Reserve Order would not be displayed at its limit price because reserve interest is, by definition, non-displayed and would instead rest non-displayed on the Exchange Book at the order's limit price.
- The Exchange proposes to add new subparagraph (i) under Rule 7.31(e)(3)(C) to offer Participants the ability to designate a Day ISO Reserve Order to be cancelled if, upon replenishment, it would be displayed at a price other than its limit price for any reason. The Exchange notes that it does not offer this option for Day ISOs not designated as Reserve Orders because such orders would never be displayed at a price other than their limit price. By contrast, a Day ISO Reserve Order could be repriced upon replenishment as described in Rule 7.31(d)(1)(B)(ii) (as modified by this filing to include Day ISOs designated as Reserve Orders, discussed below).

This proposed change would provide Participants with increased flexibility with respect to order handling and the ability to have greater determinism regarding order processing when Day ISO Reserve Orders would be repriced to display at a price other than their limit price upon replenishment. This designation would be optional, and if not designated to cancel, Day ISO Reserve Orders would function as otherwise described in this filing. The Exchange notes that it already makes this option available for other order types and believes that offering it to Day ISO Reserve Orders would promote consistency in Exchange rules.[6]

The working price of the reserve interest of a resting Day ISO Reserve Order would be adjusted as provided for in Rule 7.31(d)(1). Rule 7.31(d)(1)(E) would also apply to requests to reduce the size of Day ISO Reserve Orders.

Rule 7.31(d)(1)(F) provides that, if the PBBO is crossed and the display quantity of a Reserve Order to buy (sell) that is a Non-Routable Limit Order is decremented to less than a round lot, the display price and working price of the order would not change, but the reserve interest that replenishes the display quantity would be assigned a display price one MPV below (above) the PBO (PBB) and a working price equal to the PBO (PBB). When the PBBO uncrosses, the display price and working price of a Reserve Order will be adjusted as provided for under

[4] The Exchange does not currently propose to allow Day ISO ALO Orders (as defined in Rule 7.31(e)(3)(D)) to be designated as Reserve Orders. Accordingly, the Exchange proposes to amend Rule 7.31(e)(3)(D) to specify that Day ISO ALOs may not be so designated.

[5] Consistent with the requirements for ISOs and the Exchange's existing rules governing Day ISOs, a Day ISO Reserve Order, as proposed, would only behave as an ISO upon arrival and would not otherwise be permitted to trade through a protected bid or offer or lock or cross an Away Market.

[6] *See, e.g.,* Rules 7.31(e)(1), 7.31(e)(2), and 7.31(e)(3)(D) (permitting Non-Routable Limit Orders, displayed ALO Orders, and Day ISO ALO Orders, respectively, to be designated to cancel if they would be displayed at a price other than their limit price for any reason).

paragraph (e)(1) of this Rule relating to Non-Routable Limit Orders. The Exchange proposes to amend Rule 7.31(d)(1)(F) to provide that the rule would likewise apply to a Reserve Order that is a Day ISO. The Exchange further notes that this proposed change is consistent with the proposed change to Rule 7.31(d)(1)(B)(ii), which similarly provides that the replenish quantity of a Day ISO Reserve Order would be assigned a display price and working price in the same manner as a Non-Routable Limit Order.

Finally, the Exchange proposes conforming changes to Rule 7.11(a)(5) and Rule 7.37(g)(2) to reflect the operation of Day ISO Reserve Orders.

Rule 7.11(a)(5) sets forth rules governing how Exchange systems will reprice or cancel buy (sell) orders that are priced or could be traded above (below) the Upper (Lower) Price Bands consistent with the Limit Up-Limit Down Plan. Rule 7.11(a)(5)(ii) currently provides that if the Price Bands move and the working price of a resting Market Order or Day ISO to buy (sell) is above (below) the updated Upper (Lower) Price Band, such orders will be cancelled. The Exchange proposes to amend Rule 7.11(a)(5)(ii) to clarify its applicability to any portion of a resting Day ISO that is designated Reserve. Thus, if the Price Bands move and the working price of any portion of a resting Day ISO Reserve Order to buy (sell) is above (below) the updated Upper (Lower) Price Band, the entirety of the Day ISO Reserve Order would be cancelled.

Rule 7.37(f)(2) describes the ISO exception to the Order Protection Rule. Rule 7.37(f)(2)(A) provides that the Exchange will accept ISOs to be executed in the Exchange Book against orders at the Exchange's best bid or best offer without regard to whether the execution would trade through another market's Protected Quotation. Rule 7.37(f)(2)(B) provides that, if an ISO is marked as ''Immediate-or-Cancel,'' any portion of the order not executed upon arrival will be automatically cancelled; if an ISO is not marked as ''Immediate-or-Cancel,'' any balance of the order will be displayed without regard to whether that display would lock or cross another market center, so long as the order complies with Rule 7.37(e)(3)(C).[7] The Exchange proposes to amend Rule 7.37(f)(2)(B) to specify that, for an ISO not marked as ''Immediate-or-Cancel,'' any displayed portion of such order would be displayed, and any non-displayed portion would remain on the Exchange Book. This proposed change is intended to clarify that the reserve interest of a Day ISO Reserve Order would not be displayed, but could, on arrival only, rest non-displayed at a price that would lock or cross another market center if the member organization has complied with Rule 7.37(e)(3)(C).

The proposed change is intended to facilitate the combined use of two existing order types available on the Exchange, thereby providing Participants with enhanced flexibility, optionality, and efficiency when trading on the Exchange. The proposed change could also promote increased liquidity and trading opportunities on the Exchange, to the benefit of all market participants. The Exchange also believes the proposed change would permit the Exchange to offer functionality similar to that available on at least one other equities exchange, thereby promoting competition among equities exchanges.[8]

Because of the technology changes associated with this proposed rule change, the Exchange will announce the implementation date by Trader Update, which, subject to effectiveness of this proposed rule change, will be no later than in the second quarter of 2024.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Section 6(b)(5),[10] 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 rule change is designed to remove impediments to and perfect the mechanism of a free and open market because it would allow for the combined use of two existing order types available on the Exchange and permit the Exchange to offer functionality similar to that already available on at least one other equities exchange.[11] Participants would be free to choose to use the proposed Day ISO Reserve Order type or not, and the proposed change would not otherwise impact the operation of the Reserve Order or Day ISO Order as described in current Exchange rules. The Exchange also believes that the proposed rule change would remove impediments to and perfect the mechanism of a free and open market, as well as protect investors and the public interest, by expanding the options available to Participants when trading on the Exchange and promoting increased liquidity and additional trading opportunities for all market participants.

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 addition, as noted above, Exchange believes the proposed rule change would allow the Exchange to offer functionality already available on at least one other equities exchange [12] and thus would promote competition among equities exchanges. The Exchange also believes that, to the extent the proposed change increases opportunities for order execution, the proposed change would promote competition by making the Exchange a more attractive venue for order flow and enhancing market quality for all market participants.

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

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

[7] Rule 7.37(e)(3)(C) provides that the prohibition against Locking and Crossing Quotations described in Rule 7.37(e)(2) does not apply when the Locking or Crossing Quotation was an Automated Quotation, and the Participant displaying such Automated Quotation simultaneously routed an ISO to execute against the full displayed size of any locked or crossed Protected Quotation.

[8] *See, e.g.,* Nasdaq Stock Market LLC Rule 4702(b)(1)(C) (describing Price to Comply Order, which may be designated with both reserve size and as an ISO).

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] *See* note 8, *supra.*

[12] *See id.*

19(b)(3)(A)(iii) of the Act [13] and Rule 19b–4(f)(6) thereunder. [14]

A proposed rule change filed under Rule 19b–4(f)(6) [15] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[16] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing.

The Commission finds that it is consistent with the protection of investors and the public interest to waive the 30-day operative delay. The proposal would allow the Exchange to offer functionality similar to that already available on at least one other equities exchange.[17] Member organizations would have the option to use the proposed Day ISO Reserve Order type, and the proposed change would not otherwise impact the operation of the Reserve Order or Day ISO Order as described in current Exchange rules. Waiver of the operative delay would allow the Exchange to more expeditiously offer increased flexibility to member organizations and promote additional trading opportunities for all market participants. Therefore, the Commission waives the 30-day operative delay and designates the proposal operative upon filing.[18]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [19] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–NYSECHX–2024–10 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–2024–10. 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–NYSECHX–2024–10 and should be submitted on or before April 11, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–05943 Filed 3–20–24; 8:45 am]

BILLING CODE 8011–01–P

[13] 15 U.S.C. 78s(b)(3)(A)(iii).

[14] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[15] 17 CFR 240.19b–4(f)(6).

[16] 17 CFR 240.19b–4(f)(6)(iii).

[17] *See* note 8, *supra.*

[18] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[19] 15 U.S.C. 78s(b)(2)(B).

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–99750; File No. SR–NSCC–2024–002]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing of Proposed Rule Change To Accommodate a Shorter Standard Settlement Cycle and Make Other Changes

March 15, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'' or ''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 8, 2024, National Securities Clearing Corporation (''NSCC'' or ''Corporation'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the clearing agency. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of amendments to the NSCC Rules & Procedures (''Rules'') to ensure that the Rules are consistent with the anticipated industry-wide move to a shorter standard settlement cycle for certain securities from the second business day after the trade date (''T+2'') to the first business day after the trade date (''T+1'') (''Shortened Settlement Cycle''), as described in greater detail below.[3] The proposed rule change would become effective on May 28, 2024, or such later date as may be announced by the Commission for compliance with Exchange Act Rules 15c6–1 and 15c6–2.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Capitalized terms not defined herein shall have the meaning assigned to such terms in the Rules, *available at www.dtcc.com/legal/rules-and-procedures.*

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency 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 clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to modify the NSCC Rules to ensure that the Rules are consistent with the anticipated industry-wide move to a T+1 standard settlement cycle. The proposed rule change is discussed in detail below.

(i) Background

The current standard settlement cycle of T+2 has been in place since 2017, when the Commission amended Exchange Act Rule 15c6–1(a) [4] to shorten the standard settlement cycle from three business days after the trade date to two business days after the trade date in an effort to reduce credit, market, and liquidity risk, and as a result, reduce systemic risk for U.S. market participants.[5] In an effort to further reduce market and counterparty risk, decrease clearing capital requirements, reduce liquidity demands, and strengthen and modernize securities settlement in the U.S. financial markets, the financial services industry has been working on further shortening the standard settlement cycle from T+2 to T+1. In connection therewith, the Commission has adopted a rule change to shorten the standard settlement cycle to T+1.[6]

The NSCC Rules currently consider ''regular way'' settlement as occurring on T+2 and, as such, would need to be amended in connection with the Shortened Settlement Cycle. Further, certain timeframes or cutoff times in the Rules key off the current standard settlement date of T+2, either expressly or indirectly. In such cases, these timeframes and cutoff times would also need to be amended in connection with the Shortened Settlement Cycle. NSCC therefore proposes to make certain amendments to the Rules to facilitate the anticipated industry-wide move to the Shortened Settlement Cycle.

(ii) Proposed Changes to the Rules

The primary purpose of the proposed rule change is to modify the Rules to accommodate the anticipated industry-wide move to the Shortened Settlement Cycle. While the core functions of NSCC will generally continue to operate in the same way in the Shortened Settlement Cycle, NSCC has determined that the move to T+1 would necessitate certain amendments to the Rules because currently the Rules are designed to accommodate a T+2 settlement cycle. In particular, NSCC has identified and is proposing to change (i) rules that have timeframes and/or cutoff times that are tied to the standard settlement cycle and (ii) rules affected by process changes relating to the Shortened Settlement Cycle. In general, these are provisions that (i) directly track the timeframe and/or Settlement Date of the standard settlement cycle, (ii) address non-standard settlement cycles or (iii) provide for timeframes and/or cutoff times that are connected to or are affected by the timing of the standard settlement cycle and would need to be changed to accommodate the Shortened Settlement Cycle.

For example, the Rules contain certain provisions that refer to ''T+2'' as the timeframe and Settlement Date of the standard settlement cycle. These provisions would be updated to reflect ''T+1'' in conformance with the Shortened Settlement Cycle. Similarly, a number of provisions in the Rules refer to timeframes and Settlement Dates that are intended to be shorter/earlier or later, as applicable, than the timeframe and/or Settlement Date of the standard settlement cycle. These provisions also must be changed to accommodate the Shortened Settlement Cycle. Likewise, the length and timing of certain cutoff times are based on either a standard settlement cycle or a non-standard settlement cycle. Therefore, when the timeframe and Settlement Date of the standard settlement cycle and nonstandard settlement cycle are changed, these cutoff times would also need to be revised accordingly.

The proposed changes to accommodate the Shortened Settlement Cycle would impact NSCC's Rules regarding: (i) Definitions; (ii) Supplemental Liquidity Deposits; (iii) Trade Comparison and Recording; (iv) the Special Representative Service; (v) the Continuous Net Settlement (''CNS'') System and CNS Accounting Operation; (vi) the Balance Order Accounting Operation; (vii) the Foreign Security Accounting Operation; (viii) the ACATS Settlement Accounting Operation; and (ix) the NSCC guaranty. NSCC would also make other technical, clarifying changes and corrections to these Rules. The proposed changes are discussed in detail below.

A. Definitions (Rule 1 and Procedure XIII)

NSCC proposes to add to Rule 1 a new definition of the term ''Regular Way'' to mean ''settlement in accordance with the standard settlement cycle set forth in Rule 15c6–1(a) of the Exchange Act.'' [7] The term Regular Way is used throughout the NSCC Rules to refer to settlement of transactions in accordance with settlement cycle set forth in Rule 15c6–1(a), and NSCC therefore believes that adding this definition will provide additional clarity and certainty in its Rules. NSCC would also revise the definition of ''T'' in Procedure XIII to state that T+1 is normally the Settlement Date (as opposed to T+1 being the next Business Date and T+2 being the Settlement Date).

B. Supplemental Liquidity Deposits (Rule 4A)

NSCC Rule 4A sets forth NSCC's requirements regarding Supplemental Liquidity Deposits, which are additional cash deposits designed to cover the heightened liquidity exposure presented by those Members whose activity would pose the largest liquidity exposure to NSCC. NSCC proposes to modify Rule 4A to more accurately define certain terms and definitions used with respect to Supplemental Liquidity Deposits under the Shortened Settlement Cycle.

NSCC proposes to revise the definition of ''Options Expiration Activity Period'' to delete references to the ''second Settlement Day'' and replace them with references to the ''Settlement Date'' to align with the Shortened Settlement Cycle for the equity options it accepts from The Options Clearing Corporation (''OCC'') under the Stock Options and Futures

[4] Exchange Act Rule 15c6–1(a), as amended in 2017, required, with certain exceptions, that a broker or dealer shall not effect or enter into a contract for the purchase or sale of a security (other than an exempted security, government security, municipal security, commercial paper, bankers' acceptances, or commercial bills) that provides for payment of funds and delivery of securities later than the second business day after the date of the contract unless otherwise expressly agreed to by the parties at the time of the transaction. *See* 17 CFR 240.15c6–1(a).

[5] *See* Securities Exchange Act Release No. 80295 (Mar. 22, 2017), 82 FR 15564 (Mar. 29, 2017).

[6] *See* Securities Exchange Act Release No. 96930 (Feb. 15, 2023), 88 FR 13872 (Mar. 6, 2023) (S7–05–22) (Shortening the Securities Transaction Settlement Cycle) (''T+1 Adopting Release'').

[7] *See supra* note 3 and associated text.

Settlement Agreement, dated August 5, 2017, between NSCC and OCC.[8]

NSCC also proposes to revise the definition of ''Daily Liquidity Need'' to provide additional clarity for the Supplemental Liquidity Deposit process more generally. Specifically, NSCC would reframe the definition of ''Daily Liquidity Need'' in the context of NSCC's projected payment obligations as opposed to the amount of resources needed. The revised definition would also remove references to the ''three day settlement cycle'' and more accurately define ''Daily Liquidity Need'' to mean, on any Business Day, the payment obligations of NSCC as a central counterparty, as calculated and determined by NSCC, for all projected same day, intraday and multiday settlement activity (where appropriate), assuming the default on that day of an Unaffiliated Member or Affiliated Family. The proposed changes would not impact the actual determination of the Daily Liquidity Need amount. Rather, the proposed changes are intended to more accurately describe NSCC's daily liquidity ''need.'' NSCC thinks it is more appropriate to describe this definition in terms of NSCC's ''payment obligations'' and not as an ''amount of resources.'' In addition, the proposed changes would more closely reflect the language and requirements of Exchange Act Rule 17Ad–22(e)(7)(i).[9]

C. Trade Comparison and Recording (Procedure II)

NSCC offers trade comparison and recording services for eligible equity and debt securities. NSCC proposes several changes to its trade comparison and recording procedures in connection with the move to the Shortened Settlement Cycle.

Procedure II.B.—Equity and Listed Debt Securities—Locked-In Trade Input

NSCC proposes to modify several sections of Procedure II concerning the recording of equity securities transactions. Specifically, NSCC would remove references to ''next day'' trades from the procedures for recording of non-Regular Way transactions because next day trades will be Regular Way transactions under the Shortened Settlement Cycle. NSCC would also revise procedural requirements for certain trades that will be processed on a trade-for-trade basis to remove a reference to trades ''scheduled to settle between a dividend ex-date and record date'' and replace it with a reference to trades ''where the trade date and Settlement Date (which is a cash trade) are the same date as a dividend ex-date and record date,'' as the dividend ex-date will be the same day as record date under the Shortened Settlement Cycle. Additionally, NSCC would relocate a statement concerning the treatment of next day as-of trades with modifications to clarify that such trades would be ''Regular Way as-of-trades'' under the Shortened Settlement Cycle. NSCC would also make a technical clean up change to capitalize the defined term CNS Accounting Operation.

Procedure II.C.—Debt Securities

NSCC proposes to update its procedures for debt security trade input and comparison and the resolution of uncompared Regular Way debt securities. Specifically, NSCC would remove Section C.1(o) of Procedure II concerning the trade input and comparison of transactions for T+1 settlement because such transactions would be addressed by the procedures for Regular Way transactions under the Shortened Settlement Cycle and renumber the following sections of Section C.1. to reflect the removal of this provision. NSCC would also remove a reference to ''Balance Order processing'' from Section C.2(h) of Procedure II concerning transactions compared after certain cut-off times because Balance Orders submitted after the cutoff time would not be assigned a new date (only CNS-eligible transactions and trade-for-trade Special Trades).

Procedure II.F.—Index Receipts (Exchange-Traded Funds)

NSCC proposes to amend its creation/redemption input and settlement procedures for exchange-traded funds (''ETF(s),'' also referred to as ''index receipts'' in the Rules). The proposed changes would (i) reflect that T+1 would be Regular Way settlement under the Shortened Settlement Cycle; (ii) allow for the creation and redemption of index receipts on a same-day basis; and (iii) make other clarifications to the procedures.

NSCC would amend Section F of Procedure II to remove the reference to ''T+1 or later'' settlement and instead state that Index Receipt Agents may elect ''same day, Regular Way or extended settlement'' for index receipts. The proposed rule change would reflect that T+1 would be Regular Way settlement under the Shortened Settlement Cycle and add a new election for same-day settlement of index receipts.

NSCC also proposes additional amendments concerning the creation and redemption of index receipts for same-day settlement. NSCC would add new rule language to permit Index Receipt Agents to include an additional cash collateral amount (''Index Receipt Cash Collateral Amount'') for same-day settling index receipts, which would be subject to limits established by NSCC from time to time. Changes to the Index Receipt Cash Collateral Amount limits would be announced to Members by Important Notice. NSCC would also report any necessary adjustments to the Index Receipt Cash Collateral Amount based on end of day values (''Collateral Cash Adjustments'') for non-guaranteed payment order or money settlement between the Members on the next business day. In addition, NSCC would amend the procedure to provide that any creation and redemption instructions for same-day settling index receipts that exceed the Index Receipt Cash Collateral Amount limitations established by NSCC would be rejected. NSCC would also require that same-day settling index receipts, like other index receipts, be received by the cut-off time as designated by the NSCC from time to time.[10]

The adoption of rules for same-day creation/redemption is designed to allow Authorized Participants to cover short positions in ETF shares. NSCC's rules currently allow Index Receipt Agents to elect a Settlement Date of T+1 or later for ETFs. Under the current T+2 settlement cycle, Authorized

[8] *See* Securities Exchange Act Release Nos. 81266, 81260 (Jul. 31, 2017) (File Nos. SR–NSCC–2017–007; SR–OCC–2017–013), 82 FR 36484 (Aug. 4, 2017).

[9] Exchange Act Rule 17Ad–22(e)(7)(i) requires that each covered clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to effectively measure, monitor, and manage the liquidity risk that arises in or is borne by the covered clearing agency, including measuring, monitoring, and managing its settlement and funding flows on an ongoing and timely basis, and its use of intraday liquidity by maintaining sufficient liquid resources at the minimum in all relevant currencies to effect same-day and, where appropriate, intraday and multiday settlement of payment obligations with a high degree of confidence under a wide range of foreseeable stress scenarios that includes, but is not limited to, the default of the participant family that would generate the largest aggregate payment obligation for the covered clearing agency in extreme but plausible market conditions. *See* 17 CFR 240.17Ad–22(e)(7)(i).

[10] NSCC processing and cut-off times can be found in the DTCC Learning Center (*e.g.,* ETF timelines are currently *available at https://dtcclearning.com/products-and-services/equities-clearing/etf-processing/etf-timeline.html#heading-0*), in various Member user guides and requirements documents, and for T+1 specifically, in the T+1 settlement documentation available on the DTCC website (*available at https://www.dtcc.com/ust1/documentation*). Changes to standard CNS and ETF create/redeem cut-off times are generally announced to Members through Important Notices.

Participants may address short positions through the submission of creations/redemptions for next-day settlement (*i.e.,* T+1). However, under the Shortened Settlement Cycle, Authorized Participants would need to submit creations/redemptions on a same-day basis to cover short positions scheduled for settlement on T+1.[11] In the absence of the proposed same-day cycle, Authorized Participants would need to process this activity on an ex-clearing basis, which would result in excess capital expenses. The proposed rule change would also provide Index Receipt Agents with the option to require an additional Index Receipt Cash Collateral Amount as part of the creation or redemption to account for potential market moves in the ETF or underlying components between the submission of the creation or redemption earlier in the day, which would be based on the prior day's (*i.e.,* T–1) closing price which aligns with net asset value, and the settlement of such obligations at the end of the day (*i.e.,* T) during NSCC's end-of-day settlement cycle. This ''buffer'' amount would be subject to limits established by NSCC from time to time.[12] NSCC would also report and facilitate Collateral Cash Adjustments amounts based on end of day values to be settled between Members on the following business day to ''true-up'' the Index Receipt Cash Collateral Amount amounts.

NSCC would also clarify in its ETF settlement procedures that component securities of index receipts would be netted with all other CNS and Non-CNS securities and entered into the CNS Accounting Operation or the Balance Order Accounting Operation for trade-for-trade settlement, as applicable. The proposed change is not required to accommodate the move to the Shortened Settlement Cycle but would provide additional clarity and accuracy in the Rules.

Procedure II.G.—Reports and Output

NSCC would also update its procedures for issuing trade reports and output to align with the Shortened Settlement Cycle. Specifically, NSCC proposes to replace references to ''T+1'' with ''T'' and references to ''T+2'' with ''T+1'' to reflect the change in cutoff timeframes resulting from a one day shortening of the standard settlement cycle.

Procedure II.H.—Consolidated Trade Summaries

NSCC's Consolidated Trade Summary System defines the expected settlement path for each transaction received by the Universal Trade Capture (''UTC'') service as CNS or non-CNS eligible. NSCC proposes to update its procedures concerning the Consolidated Trade Summaries to reflect anticipated processes under the Shortened Settlement Cycle and make other clarifying and clean-up changes to the Rules. Specifically, NSCC would make clarifying changes regarding the reporting of Balance Order transactions under the Shortened Settlement Cycle to state, more generally, that each Consolidated Trade Summary would include Receive and Deliver instructions to each Member to settle directly with its counterparties. The proposed change is intended to reflect that the three Consolidated Trade Summaries made available by NSCC will not include the same information on all three reports (*e.g.,* the first two cycles would report next-day settling Balance Order transactions while the third cycle would report same-day settling Balance Order transactions trades). In addition, NSCC would clarify that, to facilitate settlement of Balance Order transactions that are trade-for-trade items, NSCC may aggregate and net Receive and Deliver instructions for trade-for-trade items between counterparties such that a Member may have only one net buy obligation or sell obligation, where applicable, in a particular security on a given day with a given counterparty. NSCC would also remove a redundant reference to ''trade-for-trade'' transactions in the first sentence of Section H because ''trade-for-trade'' transactions are a subset of Balance Order transactions. NSCC would also make a typographical correction to the procedure.

D. Special Representative Service (Procedure IV)

NSCC's Special Representative Service allows Members that are authorized by one or more other persons to act on their behalf to submit transactions in securities to NSCC. As part of this service, NSCC permits Members to clear and settle transactions executed for them by other Members acting as their Special Representative to accommodate (i) a Member with multiple affiliate accounts who wishes to move a position resulting from an ''original trade'' in the process of clearance from one affiliate account to another and (ii) a Member that relies on its Special Representative to execute a trade in any market on its behalf to enable the resulting position to be moved from the Special Representative to that Member (the ''Correspondent Clearing Service'').

NSCC proposes to delete a procedural provision related to the Correspondent Clearing Service, which states that transactions (other than cash, or next day fixed-income transactions, or cash equity transactions received after the Corporation's designated cut-off time) which are accepted by NSCC are then entered into the Balance Order Accounting Operation or CNS Accounting Operation which, when processed through the Balance Order Accounting Operation or CNS Accounting Operation, effectively net the Special Representative out of the original trade. NSCC proposes to delete this statement because (i) under the Shortened Settlement Cycle, there will no longer be next day fixed-income transactions (*i.e.,* such transactions will be Regular Way) and (ii) the statement, more generally, is not a rule or procedural requirement concerning the Correspondent Clearing Service, but rather, is simply a description of an expected outcome of the service.

E. Continuous Net Settlement System (Rule 11 and Procedure VII)

Rule 11 sets forth requirements for NSCC's CNS system, which is NSCC's core netting, allotting and fail-control engine. Within CNS, each security is netted to one position per Member, with NSCC as its central counterparty. Procedure VII sets forth additional procedural requirements for the CNS Accounting Operation. NSCC proposes several changes to Rule 11 and Procedure VII to align certain CNS requirements with the Shortened Settlement Cycle and make other clarifying and technical changes to the Rules.

Rule 11—CNS System

NSCC proposes to revise Section 4 of Rule 11 concerning projection reports to remove rule text related to positions or obligations due to settle on ''the next settlement day.'' Under the Shortened Settlement Cycle, the CNS projection report that will be issued on each Settlement Date will no longer include next day settling positions because it will only cover obligations for a one-day settlement cycle and will be issued during early morning hours on the Settlement Date.

NSCC also proposes to revise Section 8(d) of Rule 11 concerning the treatment

[11] Currently, NSCC allows for same-day settling cash trades in the secondary market, even in the T+2 environment. The proposed rule change would allow same-day settling trades in the primary market.

[12] NSCC would initially establish this limit at 3% of the contract settlement amount of the order, which would be priced based on the prior night's net asset value. NSCC will monitor the use and overall collateral buffer amounts over time and may adjust this threshold as needed.

of ''as of'' trades [13] subject to corporate actions to replace references to ''two settlement days'' with ''one settlement day'' and to replace ''at least one settlement day prior to the Due Bill Redemption Date'' with ''prior to or on the Due Bill Redemption Date'' to reflect the move to a one-day settlement cycle. Further, NSCC would update language concerning the cutoff time for ''as of'' trades being accorded dividend protection in CNS to replace a reference to ''less than two settlement days or one Business Day, as the case may be, prior to the payable date or the Due Bill Redemption Date'' with a more general statement referring to the timeframes specified within Section 8(d) of Rule 11.

Procedure VII.B.—CNS Accounting Operation—Consolidated Trade Summary

As noted above, NSCC's Consolidated Trade Summary System defines the expected settlement path for each transaction received by the UTC service as CNS or non-CNS eligible. NSCC proposes to update its procedures concerning the Consolidated Trade Summary reports to reflect anticipated CNS processes under the Shortened Settlement Cycle.

NSCC proposes to revise Section B of Procedure VII concerning the Consolidated Trade Summary reports made available to Members to replace references to ''T+2'' with ''T+1.'' NSCC would also remove reference to ''T+1 and older as-of trades and next day settling trades not previously reported on the prior Consolidated Trade Summary'' and replace that with a statement regarding ''trades compared or recorded through the Corporation's cutoff time with respect to trades due to settle on the same settlement day'' because there will no longer be a distinct concept of ''next day settling trades'' under the Shortened Settlement Cycle. NSCC also proposes to remove certain descriptive examples (*e.g.,* references to actions occurring on specific days of the week) because these provisions (i) would no longer be accurate for the Shortened Settlement Cycle and (ii) do not constitute rules or procedural requirements for Consolidated Trade Summaries (rather, they are only examples of potential occurrences). NSCC would also remove a sentence stating that each Consolidated Trade Summary issued on each settlement day reports activity compared or recorded, including cash trades which are due to settle on that same day for the period beginning after the cutoff time for the prior Consolidated Trade Summary and ending on the Corporation's cutoff time for such Consolidated Trade Summary, because NSCC believes that the timing for compared and recorded trades to be included on the Consolidated Trade Summaries would now be adequately summarized by revised provisions discussed above.

Additionally, NSCC proposes several clean up changes to Procedure VII.B, which are not required to accommodate the move to the Shortened Settlement Cycle but would provide additional clarity and accuracy in the Rules. NSCC would update incorrect references to other NSCC Procedures, which are currently referred to as ''Section'' II, III and IV, to clarify that these are references to ''Procedure'' II, III and IV. NSCC also proposes to remove statements regarding the formatting of the Consolidated Trade Summaries (*i.e.,* that trade information is provided in CUSIP order, reported as broad buys and sells by marketplace or source, netted by issue, quantity and money) because the Consolidated Trade Summaries are currently made available to Members through a dashboard in a web-based portal, which is searchable in multiple formats, rather than provided in one standardized format.

Procedure VII.D.—CNS Accounting Operation—Controlling Deliveries to CNS

NSCC proposes to modify Section D of Procedure VII, which describes the process for Members to control the delivery of securities to satisfy short positions in CNS. Section D of Procedure VII currently states that Members are required to provide instructions to exempt from delivery any transaction ''compared or received on SD–1 or thereafter, including cash or next day transactions, which are processed for next day or same day settlement'' [14] and which create or increase a short position. NSCC would revise this statement to clarify that, under the Shortened Settlement Cycle, Members must provide instructions to exempt from delivery any transactions ''compared or received on Settlement Date,'' which are processed for ''same day settlement'' and which create or increase a short position. NSCC would also revise the introductory paragraph of Section D of Procedure VII to clarify that such instructions are the ''standing'' instructions provided by Members and make conforming changes throughout the procedure to reflect that such an exemption would now be referred to as the ''Same Day Settling Exemption'' (as opposed to the ''One Day Settling Exemption'').

NSCC also proposes to delete subsection D.1. of Procedure VII concerning the CNS projection report and other references to projected positions and the projection report throughout Procedure VII. Under the Shortened Settlement Cycle, the CNS projection file would no longer be used for the exemption process because it will be distributed at 2:00AM ET on Settlement Date, after the night cycle completes. However, NSCC would clarify in newly renumbered Section D.1(a) that Members may use other position reporting made available by NSCC to set exemptions and control deliveries.

In addition, NSCC proposes to modify subsection D.2. of Procedure VII (newly proposed Section D.1) concerning exemptions. NSCC would update the exemption override procedures to remove a reference to ''one day'' settling transactions and make additional conforming changes to replace references to the ''One Day Settling Exemption'' with the ''Same Day Settling Exemption.'' NSCC would also revise current subsection D.2(b) of Procedure VII (to be renumbered as subsection D.1(b)) to replace an incorrect reference to ''four'' types of qualified activity with ''three'' types of qualified activity and correct an error in the numbering of the circumstances in which Standing Exemption instructions would govern all of the Member's short positions.

Procedure VII.G.—CNS Accounting Operation—CNS Dividend Accounting

NSCC proposes to modify subsection G.2. of Procedure VII concerning the Dividend Activity Report to update the submission cutoff time for ''as of'' trades being included in the payment calculation from ''two days prior to payable date'' to ''one Settlement Date prior to payable date'' to align with the Shortened Settlement Cycle. NSCC also proposes to revise subsection G.3 of Procedure VII regarding Due Bill Accounting to reflect that, in the case of stock splits, the Current Market Price would be adjusted by the rate of the split on the Due Bill Redemption Date under the Shortened Settlement Cycle as opposed to during the one day prior to the Due Bill Redemption Date under the current T+2 settlement cycle.

[13] ''As of'' trades are trades that do not fit standard industry conventions due to either the trade being submitted after the trade date or the settlement date being adjusted because it is past the stated contractual settlement date on the trade.

[14] ''SD–1'' refers to the date prior to the Settlement Date.

Procedure VII.H.—CNS Accounting Operation—Miscellaneous CNS Activity

Section H of Procedure VII describes the timeline of actions that must occur in connection with the processing of eligible corporate reorganization events. The processing of mandatory reorganizations occurs automatically; however, the processing of voluntary reorganizations through the CNS Reorganization Processing System requires certain actions to be taken by both NSCC and by Members with positions in the subject security during the period of time leading up to and following the expiration of the event. This period of time is referred to in the Rules as the ''protect period'' and is defined by reference to the expiration date, or ''E,'' of a voluntary reorganization (*e.g.,* ''E+1'' is one day past the expiration date of the event). NSCC proposes a number of updates to the Corporate Reorganization rules in subsection H.4. of Procedure VII to align the Procedures with the Shortened Settlement Cycle.

NSCC would remove references to the current standard two business day protect period and replace them with references to the one business day protect period anticipated under the Shortened Settlement Cycle. NSCC also proposes to update the processing timeframes for voluntary reorganizations to reflect the new timeframes under the Shortened Settlement Cycle. Specifically, the following timeframes will be changed for T+1.

- The time for NSCC to advise Members with short positions of their potential liability will move from ''after the night cycle on E+1'' to ''on E, prior to the night cycle commencing for E+1.'' (NSCC would also clarify that any same day settling trade that is received for processing after the night cycle ''completes'' on E+1 will be designated a Special Trade.)
- The time for long position Members to instruct NSCC to move positions to a CNS Reorganization Sub-Account will move from ''on E+1'' to ''on E, prior to the night cycle commencing for E+1.''
- The time for Members to add, adjust, or delete long positions to be moved to the CNS Reorganization Sub-Account will move from ''E+2'' to ''E+1.'' (NSCC would also clarify that this time period is known as the ''CNS End Date'' and/or ''Protect Expiration Date'').
- The time at which (i) long positions for which proper instructions have been received are moved to a CNS Reorganization Sub-Account and (ii) NSCC notifies Members with long positions of their final protection and Members with short positions of their final liability will move from ''after day cycle on E+2'' to ''after the day cycle completes on E+1.''
- The time at which short positions in the CNS Reorganization Sub-Account are marked from the Current Market Price to the voluntary offer price will move from E+3 to E+2.

F. Balance Order Accounting Operation (Procedure V)

NSCC provides a Balance Order Accounting system for securities that are ineligible for processing in CNS. The Balance Oder Accounting Operation produces netted and allotted receive and deliver instructions for NSCC Members. NSCC does not become a counterparty to Balance Order transactions, but it does provide a trade guaranty to the receive and deliver parties, which remains effective through the close of business on the scheduled settlement date.

NSCC proposes to revise Procedure V.B. regarding trade-for-trade Balance Orders to update the types of transactions that would be processed on a trade-for-trade basis under the Shortened Settlement Cycle. Specifically, NSCC would update the rule to reflect that those transactions compared or otherwise entered to the Balance Order Accounting Operation on Settlement Date (rather than those transactions compared or otherwise entered to the Balance Order Accounting Operation on SD–1 or thereafter) would be processed on a trade-for-trade basis as there will be no Balance Order netting on Settlement Date under the Shortened Settlement Cycle. NSCC would also remove next day transactions from the list because those transactions would be Regular Way trades under the Shortened Settlement Cycle.

In addition, NSCC would modify Procedure V.E. regarding Consolidated Trade Summaries for Balance Order transactions to remove specific references to same day and next day settling Balance Order transactions and more generally state that any Balance Order transactions generated by the Corporation will be included on three separate Consolidated Trade Summaries made available to participants. Under the Shortened Settlement Cycle, each of the three Consolidated Trade Summaries would no longer contain information on both same day and next day settling Balance Orders.

NSCC also proposes clean-up changes to Procedure V.A. to update incorrect references to other NSCC Procedures, which are currently referred to as ''Section'' II, III and IV, to clarify that these are references to ''Procedure'' II, III and IV.

G. Foreign Security Accounting Operation (Procedure VI)

NSCC's Foreign Security Accounting Operation processes transactions in Foreign Securities and produces Foreign Security receive and deliver instructions, which identify the receive and deliver obligations of Members. NSCC would revise Procedure VI to remove a reference to ''SD–1 or thereafter'' because, under the Shortened Settlement Cycle, transactions submitted on ''SD–1'' would generally be Regular Way transactions and transactions submitted on Settlement Date would not be accepted.

NSCC would also revise Procedure VI to clarify that (i) Foreign Securities may be netted on a Member-to-Member basis or processed on a trade-for-trade basis; (ii) transactions in Foreign Securities which are ''submitted'' (as opposed to ''identified'') as Special Trades are processed on a trade-for-trade basis; and (iii) transactions in Foreign Securities that are designated by NSCC to be Special Trades may net only on a Member-to-Member basis. These proposed changes are not required to accommodate the move to the Shortened Settlement Cycle but would provide additional clarity and accuracy in the Rules.

H. ACATS Settlement Accounting Operation (Procedure XVIII)

NSCC's Automated Customer Account Transfer Service (''ACATS'') enables Members and Qualified Securities Depositories (*i.e.,* The Depository Trust Company), on behalf of their participants, to transfer accounts of their customers between themselves on an automated basis. Procedure XVIII sets forth the details of the ACATS Settlement Accounting Operation.

As discussed in the CNS Accounting Operation procedure sections above, Members have the ability to elect to deliver all or part of any short position through the use of Exemptions. Such exemptions may also be utilized in the ACATS process. NSCC therefore proposes conforming changes to Procedure XVIII to replace a reference to the ''One Day Settling Exemption'' with the ''Same Day Settling Exemption'' to align with processes under the Shortened Settlement Cycle.

I. NSCC's Guaranty (Addendum K)

Finally, Addendum K sets forth the timing for NSCC's assumption of liability for guaranteed transactions as a

central counterparty. Addendum K generally provides that CNS and Balance Order transactions are guaranteed as of the point they have (i) for bilateral submissions by Members, been validated and compared by NSCC and (ii) for locked-in submissions, been validated by NSCC. For Balance Order transactions, this guarantee remains effective through the close of business on the scheduled settlement date (currently specified as ''T+2'' in the Rules).

NSCC proposes to update Addendum K concerning NSCC's guaranty for Balance Order transactions to remove a reference to the current T+2 settlement cycle and replace it with a more general statement that Balance Order transactions would be guaranteed through the close of business on their contractual Settlement Date. NSCC would also remove a reference to ''same day or one day'' settling trades from a statement concerning the guaranty of transactions from interfacing clearing corporations because (i) one day settling trades would be Regular Way trades under the Shortened Settlement Cycle and (ii) this requirement would apply to transactions generally from an interfacing clearing corporation and not just same day or one day settling trades.

Implementation Timeframe

The proposed rule change would not become effective until May 28, 2024, or such later date as may be announced by the Commission for compliance for Exchange Act Rules 15c6–1 and 15c6–2.

2. Statutory Basis

NSCC believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a registered clearing agency. Section 17A(b)(3)(F) of Act [15] requires, in part, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and to remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions. NSCC believes the proposed rule change is consistent with the requirements of Section 17A(b)(3)(F) of Act [16] for the reasons set forth below.

The proposed rule change would update NSCC's Rules to accommodate anticipated processing timelines under a Shortened Settlement Cycle. The proposed rule change would modify the timeframes, cutoff times and/or associated outputs for certain processes related to NSCC's clearance and settlement operations, including Rules related to: (i) Definitions; (ii) Supplemental Liquidity Deposits; (iii) Trade Comparison and Recording; (iv) the Special Representative Service; (v) the Continuous Net Settlement (''CNS'') System and CNS Accounting Operation; (vi) the Balance Order Accounting Operation; (vii) the Foreign Security Accounting Operation; (viii) the ACATS Settlement Accounting Operation; and (ix) the NSCC guaranty. These changes are necessary for NSCC to clear and settle transactions promptly and accurately under the Shortened Settlement Cycle. NSCC therefore believes the proposed rule change is designed to promote the prompt and accurate clearance and settlement of securities transactions and to remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions, consistent with Section 17A(b)(3)(F) of the Act.[17]

(B) Clearing Agency's Statement on Burden on Competition

Section 17A(b)(3)(I) of Act [18] requires that the rules of a clearing agency do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. NSCC does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. While the anticipated industry-wide move to the Shortened Settlement Cycle would likely have an impact on competition because the cost of required system changes for individual firms to shift from a T+2 to T+1 settlement cycle may have a disproportionate impact on those firms with relatively smaller revenue bases, NSCC does not believe that the proposed rule changes themselves would have a significant impact on competition because they are operational in nature and consist of changes to processing timeframes and cutoff times for NSCC's services. Moreover, NSCC believes that the proposed rule changes are necessary because they are required to facilitate and accommodate the anticipated move to the Shortened Settlement Cycle and facilitate compliance with rules adopted in the T+1 Adopting Release and are appropriate in that they have been specifically tailored to conform with the requirements of the Shortened Settlement Cycle and rules in the T+1 Adopting Release.[19] Therefore, NSCC does not believe that the proposed rule changes would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

NSCC has not received or solicited any written comments relating to this proposal. If any written comments are received, they will be publicly filed as an Exhibit 2 to this filing, as required by Form 19b–4 and the General Instructions thereto.

Persons submitting comments are cautioned that, according to Section IV (Solicitation of Comments) of the Exhibit 1A in the General Instructions to Form 19b–4, the Commission does not edit personal identifying information from comment submissions. Commenters should submit only information that they wish to make available publicly, including their name, email address, and any other identifying information.

All prospective commenters should follow the Commission's instructions on how to submit comments, *available at https://www.sec.gov/regulatory-actions/how-to-submit-comments.* General questions regarding the rule filing process or logistical questions regarding this filing should be directed to the Main Office of the Commission's Division of Trading and Markets at *tradingandmarkets@sec.gov* or 202–551–5777.

NSCC reserves the right not to respond to any comments received.

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 self-regulatory organization 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.

[15] 15 U.S.C. 78q–1(b)(3)(F).

[16] *Id.*

[17] *Id.*

[18] 15 U.S.C. 78q–1(b)(3)(I).

[19] *See supra* note 6 and related discussion.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–NSCC–2024–002 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to file number SR–NSCC–2024–002. 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 NSCC and on DTCC's website (*dtcc.com/legal/sec-rule-filings*). 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–NSCC–2024–002 and should be submitted on or before April 11, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–05951 Filed 3–20–24; 8:45 am]

BILLING CODE 8011–01–P

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–99749; File No. SR–BX–2024–008]

Self-Regulatory Organizations; Nasdaq BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Its Fees for Connectivity and Co-Location Services

March 15, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 1, 2024, Nasdaq BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's fees for connectivity and co-location services, as described further below.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/bx/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Exchange's fees relating to connectivity and co-location services. Specifically, the Exchange proposes to raise its fees for connectivity and co-location services in General 8, fees assessed for remote multi-cast ITCH (''MITCH'') Wave Ports in Equity 7, Section 115, and certain fees related to its Testing Facilities in Equity 7, Section 130 by 5.5%, with certain exceptions.

General 8, Section 1 includes the Exchange's fees that relate to connectivity, including fees for cabinets, external telco/inter-cabinet connectivity fees, fees for connectivity to the Exchange, fees for connectivity to third party services, fees for market data connectivity, fees for cabinet power install, and fees for additional charges and services. General 8, Section 2 includes the Exchange's fees for direct connectivity services, including fees for direct circuit connection to the Exchange, fees for direct circuit connection to third party services, and fees for point of presence connectivity. With the exception of the Exchange's GPS Antenna fees,[3] the Exchange proposes to increase its fees throughout General 8 by 5.5%.

In addition to increasing fees in General 8, the Exchange also proposes to increase certain fees in Equity 7. First, the Exchange proposes to increase the installation and recurring monthly fees assessed for remote MITCH Wave Ports[4] in Equity 7, Section 115 by 5.5%. In addition, the Exchange proposes to increase certain fees in Section 130(d), which relate to the Testing Facility. Equity 7, Section 130(d)(2) provides that subscribers to the Testing Facility located in Carteret, New Jersey shall pay a fee of $1,000 per hand-off, per month for connection to the Testing Facility. The hand-off fee includes either a 1Gb or 10Gb switch port and a cross connect

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Exchange proposes to exclude the GPS Antenna fees from the proposed fee increase because, unlike the other fees in General 8, the Exchange recently increased its GPS Antenna fees. *See* Securities Exchange Act Release No. 34–99124 (December 8, 2023), 88 FR 86715 (December 14, 2023) (SR–BX–2023–033).

[4] Remote MITCH Wave Ports are for clients co-located at other third-party data centers, through which NASDAQ TotalView ITCH market data is distributed after delivery to those data centers via wireless network.

to the Testing Facility. In addition, Equity 7, Section 130(d)(2) provides that subscribers shall also pay a one-time installation fee of $1,000 per hand-off. The Exchange proposes to increase these aforementioned fees by 5.5% to require that subscribers to the Testing Facility shall pay a fee of $1,055 per hand-off, per month for connection to the Testing Facility and a one-time installation fee of $1,055 per hand-off.

The proposed increases in fees would enable the Exchange to maintain and improve its market technology and services. With the exception of fees that were established as part of a new service in 2017 (and have remained unchanged since their adoption), the Exchange has not increased any of the fees included in the proposal since 2015, and many of the fees date back to between 2010 and 2014. However, since 2015, there has been notable inflation. Between 2015 and 2024, the dollar had an average inflation rate of 2.97% per year, producing a cumulative price increase of 30.12%.[5] Notwithstanding inflation, the Exchange historically has not increased its fees every year.[6] The proposed fees represent a 5.5% increase from the current fees, which is far below inflation since 2015, which exceeded 30%.[7] The proposed 5.5% increase is comparable to recent inflation rates for one-year periods. For example, in 2023, the inflation rate was 4.12% and in 2022, the inflation rate was 8%.[8] The Exchange notes that other exchanges have filed for comparable or higher increases in certain connectivity-related fees, based in part on similar rationale.[9]

In offering connectivity and co-location services, the Exchange incurs certain costs, including costs related to the data center facility, hardware and equipment, and personnel. The Exchange's costs to offer such services have risen, in part because the Exchange is subject to annual escalation clauses that increase certain costs for the Exchange. The Exchange seeks to cover a portion of its increased costs by the proposed 5.5% increase in fees as described above. The Exchange does not seek to cover the full extent of its cost increases with this proposal. In addition, the Exchange continues to invest in improvements that enhance the value of its connectivity and co-location services, including by refreshing hardware and expanding the co-location facility to offer customers additional space and power.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[10] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[11] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

This belief is based on a couple factors. First, the current fees do not properly reflect the value of the services and products, as fees for the services and products in question have been static in nominal terms, and therefore falling in real terms due to inflation. Second, exchange fees are constrained by the fact that market participants can choose among 16 different venues for equities trading and 17 different venues for options trading, and therefore no single venue can charge excessive fees for its products without losing customers and market share.

Real Exchange Fees Have Fallen

As explained above, with the exception of fees that were established as part of a new service in 2017 (and have remained unchanged since their adoption), the Exchange has not increased any of the fees included in the proposal since 2015, and many of the fees date back to between 2010 and 2014. This means that such fees have fallen in real terms due to inflation, which has been notable. Between 2015 and 2024, the dollar had an average inflation rate of 2.97% per year, producing a cumulative price increase of 30.12%.[12] Notwithstanding inflation, the Exchange historically has not increased its fees every year.[13] As noted above, the Exchange has not increased the fees in this proposal for over 8 years (or in the case of services introduced in 2017, for over 6 years since the services were introduced). Accordingly, the Exchange believes that the proposed fees are reasonable as they represent a 5.5% increase from the current fees, which is far below inflation since 2015, which exceeded 30%.[14] The proposed 5.5% increase is comparable to recent inflation rates for one-year periods. For example, in 2023, the inflation rate was 4.12% and in 2022, the inflation rate was 8%.[15]

Not only have real exchange fees fallen, but the Exchange's costs to provide connectivity and co-location services have increased. As stated above, in offering connectivity and co-location services, the Exchange incurs certain costs, including costs related to the data center facility, hardware and equipment, and personnel. The Exchange's costs to offer such services have risen, in part because the Exchange is subject to annual escalation clauses that increase certain costs for the Exchange. The Exchange seeks to cover a portion of its increased costs by the proposed 5.5% increase in fees as described above. The Exchange does not seek to cover the full extent of its cost increases with this proposal. In addition, the Exchange continues to invest in improvements that enhance the value of its connectivity and co-location services, including by refreshing hardware and expanding the co-location facility to offer customers additional space and power.

Customers Have a Choice in Trading Venue

Customers face many choices in where to trade both equities and options. Market participants will continue to choose trading venues and the method of connectivity based on their specific needs. No broker-dealer is required to become a Member of the Exchange. There is no regulatory requirement that any market participant connect to any one exchange, nor that any market participant connect at a particular connection speed or act in a particular capacity on the Exchange, or trade any particular product offered on an exchange. Moreover, membership is not a requirement to participate on the Exchange. Indeed, the Exchange is unaware of any one exchange whose membership includes every registered broker-dealer. The Exchange also believes substitutable products and services are available to market participants, including, among other things, other equities and options exchanges that a market participant may

[5] *See https://www.officialdata.org/us/inflation/2015?amount=1* (Last updated February 27, 2024).

[6] Unregulated competitors providing connectivity and colocation services often have annual price increases written into their agreements with customers to account for inflation and rising costs.

[7] Between 2017 and 2024, inflation exceeded 25%. *See https://www.officialdata.org/us/inflation/2017?amount=1* (Last updated February 27, 2024).

[8] *See https://www.officialdata.org/us/inflation/2022?endYear=2023&amount=1.*

[9] *See, e.g.,* Securities Exchange Act Release No. 34–99550 (February 16, 2024), 89 FR 13763 (February 23, 2024) (SR–CboeBYX–2024–006).

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(4) and (5).

[12] *See https://www.officialdata.org/us/inflation/2015?amount=1* (Last updated February 27, 2024).

[13] As noted above, unregulated competitors providing connectivity and colocation services often have annual price increases written into their agreements with customers to account for inflation and rising costs.

[14] Between 2017 and 2024, inflation exceeded 25%. *See https://www.officialdata.org/us/inflation/2017?amount=1* (Last updated February 27, 2024).

[15] *See https://www.officialdata.org/us/inflation/2022?endYear=2023&amount=1.*

connect to in lieu of the Exchange, indirect connectivity to the Exchange via a third-party reseller of connectivity, and/or trading of equities or options products within markets which do not require connectivity to the Exchange, such as the Over-the-Counter (OTC) markets.

There are currently 16 registered equities exchanges that trade equities and 17 exchanges offering options trading services. No single equities exchange has more than 15% of the market share.[16] No single options exchange trades more than 14% of the options market by volume and only one of the 17 options exchanges has a market share over 10 percent.[17] This broad dispersion of market share demonstrates that market participants can and do exercise choice in trading venues. Further, low barriers to entry mean that new exchanges may rapidly enter the market and offer additional substitute platforms to further compete with the Exchange and the products it offers.

As such, the Exchange must set its fees, including its fees for connectivity and co-location services and products, competitively. If not, customers may move to other venues or reduce use of the Exchange's services. ''If competitive forces are operative, the self-interest of the exchanges themselves will work powerfully to constrain unreasonable or unfair behavior.'' [18] Accordingly, ''the existence of significant competition provides a substantial basis for finding that the terms of an exchange's fee proposal are equitable, fair, reasonable, and not unreasonably or unfairly discriminatory.'' [19] Disincentivizing market participants from purchasing Exchange connectivity would only serve to discourage participation on the Exchange, which ultimately does not benefit the Exchange. Moreover, if the Exchange charges excessive fees, it may stand to lose not only connectivity revenues but also other revenues, including revenues associated with the execution of orders.

In summary, the proposal represents an equitable allocation of reasonable dues, fees and other charges because Exchange fees have fallen in real terms and customers have a choice in trading venue and will exercise that choice and trade at another venue if exchange fees are not set competitively.

No Unfair Discrimination

The Exchange believes that the proposed fee changes are not unfairly discriminatory because the fees are assessed uniformly across all market participants that voluntarily subscribe to or purchase connectivity and co-location services or products, which are available to all customers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Nothing in the proposal burdens inter-market competition (the competition among self-regulatory organizations) because approval of the proposal does not impose any burden on the ability of other exchanges to compete. The Exchange operates in a highly competitive market in which market participants can determine whether or not to connect to the Exchange based on the value received compared to the cost of doing so. Indeed, market participants have numerous alternative exchanges that they may participate on and direct their order flow, as well as off-exchange venues, where competitive products are available for trading.

Nothing in the proposal burdens intra-market competition (the competition among consumers) because the Exchange's connectivity and co-location services are available to any customer under the same fee schedule as any other customer, and any market participant that wishes to purchase such services can do so on a non-discriminatory basis.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[20]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–BX–2024–008 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–BX–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

[16] *See* Cboe Global Markets, U.S. Equities Market Volume Summary, Month-to-Date (Last updated January 11, 2024), available at *https://www.cboe.com/us/equities/market_statistics/.*

[17] *See* Nasdaq, Options Market Statistics (Last updated January 11, 2024), available at *https://www.nasdaqtrader.com/Trader.aspx?id=OptionsVolumeSummary.*

[18] *See* Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74,770 (December 9, 2008) (SR–NYSEArca–2006–21).

[19] *Id.*

[20] 15 U.S.C. 78s(b)(3)(A)(ii).

submissions should refer to file number SR–BX–2024–008 and should be submitted on or before April 11, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–05950 Filed 3–20–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–99743; File No. SR–Phlx–2024–08]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Its Fees for Connectivity and Co-Location Services

March 15, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 1, 2024, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's fees for connectivity and co-location services, as described further below.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/phlx/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Exchange's fees relating to connectivity and co-location services. Specifically, the Exchange proposes to raise its fees for connectivity and co-location services in General 8 as well as certain fees related to its Testing Facilities in Equity 7, Section 3 by 5.5%, with certain exceptions.

General 8, Section 1 includes the Exchange's fees that relate to connectivity, including fees for cabinets, external telco/inter-cabinet connectivity fees, fees for connectivity to the Exchange, fees for connectivity to third party services, fees for market data connectivity, fees for cabinet power install, and fees for additional charges and services. General 8, Section 2 includes the Exchange's fees for direct connectivity services, including fees for direct circuit connection to the Exchange, fees for direct circuit connection to third party services, and fees for point of presence connectivity. With the exception of the Exchange's GPS Antenna fees,[3] the Exchange proposes to increase its fees throughout General 8 by 5.5%.

In addition to increasing fees in General 8, the Exchange also proposes to increase certain fees in Equity 7, Section 3, which relate to the Testing Facility. Equity 7, Section 3 provides that subscribers to the Testing Facility located in Carteret, New Jersey shall pay a fee of $1,000 per hand-off, per month for connection to the Testing Facility. The hand-off fee includes either a 1Gb or 10Gb switch port and a cross connect to the Testing Facility. In addition, Equity 7, Section 3 provides that subscribers shall also pay a one-time installation fee of $1,000 per hand-off. The Exchange proposes to increase these aforementioned fees by 5.5% to require that subscribers to the Testing Facility shall pay a fee of $1,055 per hand-off, per month for connection to the Testing Facility and a one-time installation fee of $1,055 per hand-off.

The proposed increases in fees would enable the Exchange to maintain and improve its market technology and services. With the exception of fees that were established as part of a new service in 2017 (and have remained unchanged since their adoption), the Exchange has not increased any of the fees included in the proposal since 2015, and many of the fees date back to between 2010 and 2014. However, since 2015, there has been notable inflation. Between 2015 and 2024, the dollar had an average inflation rate of 2.97% per year, producing a cumulative price increase of 30.12%.[4] Notwithstanding inflation, the Exchange historically has not increased its fees every year.[5] The proposed fees represent a 5.5% increase from the current fees, which is far below inflation since 2015, which exceeded 30%.[6] The proposed 5.5% increase is comparable to recent inflation rates for one-year periods. For example, in 2023, the inflation rate was 4.12% and in 2022, the inflation rate was 8%.[7] The Exchange notes that other exchanges have filed for comparable or higher increases in certain connectivity-related fees, based in part on similar rationale.[8]

In offering connectivity and co-location services, the Exchange incurs certain costs, including costs related to the data center facility, hardware and equipment, and personnel. The Exchange's costs to offer such services have risen, in part because the Exchange is subject to annual escalation clauses that increase certain costs for the Exchange. The Exchange seeks to cover a portion of its increased costs by the proposed 5.5% increase in fees as described above. The Exchange does not seek to cover the full extent of its cost increases with this proposal. In addition, the Exchange continues to invest in improvements that enhance the value of its connectivity and co-location services, including by refreshing hardware and expanding the co-location facility to offer customers additional space and power.

[21] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Exchange proposes to exclude the GPS Antenna fees from the proposed fee increase because, unlike the other fees in General 8, the Exchange recently increased its GPS Antenna fees. *See* Securities Exchange Act Release No. 34–99125 (December 8, 2023), 88 FR 86705 (December 14, 2023) (SR–Phlx–2023–53).

[4] *See https://www.officialdata.org/us/inflation/2015?amount=1* (Last updated February 27, 2024).

[5] Unregulated competitors providing connectivity and colocation services often have annual price increases written into their agreements with customers to account for inflation and rising costs.

[6] Between 2017 and 2024, inflation exceeded 25%. *See https://www.officialdata.org/us/inflation/2017?amount=1* (Last updated February 27, 2024).

[7] *See https://www.officialdata.org/us/inflation/2022?endYear=2023&amount=1.*

[8] *See, e.g.,* Securities Exchange Act Release No. 34–99550 (February 16, 2024), 89 FR 13763 (February 23, 2024) (SR–CboeBYX–2024–006).

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[10] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

This belief is based on a couple factors. First, the current fees do not properly reflect the value of the services and products, as fees for the services and products in question have been static in nominal terms, and therefore falling in real terms due to inflation. Second, exchange fees are constrained by the fact that market participants can choose among 16 different venues for equities trading and 17 different venues for options trading, and therefore no single venue can charge excessive fees for its products without losing customers and market share.

Real Exchange Fees Have Fallen

As explained above, with the exception of fees that were established as part of a new service in 2017 (and have remained unchanged since their adoption), the Exchange has not increased any of the fees included in the proposal since 2015, and many of the fees date back to between 2010 and 2014. This means that such fees have fallen in real terms due to inflation, which has been notable. Between 2015 and 2024, the dollar had an average inflation rate of 2.97% per year, producing a cumulative price increase of 30.12%.[11] Notwithstanding inflation, the Exchange historically has not increased its fees every year.[12] As noted above, the Exchange has not increased the fees in this proposal for over 8 years (or in the case of services introduced in 2017, for over 6 years since the services were introduced). Accordingly, the Exchange believes that the proposed fees are reasonable as they represent a 5.5% increase from the current fees, which is far below inflation since 2015, which exceeded 30%.[13] The proposed 5.5% increase is comparable to recent inflation rates for one-year periods. For example, in 2023, the inflation rate was 4.12% and in 2022, the inflation rate was 8%.[14]

Not only have real exchange fees fallen, but the Exchange's costs to provide connectivity and co-location services have increased. As stated above, in offering connectivity and co-location services, the Exchange incurs certain costs, including costs related to the data center facility, hardware and equipment, and personnel. The Exchange's costs to offer such services have risen, in part because the Exchange is subject to annual escalation clauses that increase certain costs for the Exchange. The Exchange seeks to cover a portion of its increased costs by the proposed 5.5% increase in fees as described above. The Exchange does not seek to cover the full extent of its cost increases with this proposal. In addition, the Exchange continues to invest in improvements that enhance the value of its connectivity and co-location services, including by refreshing hardware and expanding the co-location facility to offer customers additional space and power.

Customers Have a Choice in Trading Venue

Customers face many choices in where to trade both equities and options. Market participants will continue to choose trading venues and the method of connectivity based on their specific needs. No broker-dealer is required to become a Member of the Exchange. There is no regulatory requirement that any market participant connect to any one exchange, nor that any market participant connect at a particular connection speed or act in a particular capacity on the Exchange, or trade any particular product offered on an exchange. Moreover, membership is not a requirement to participate on the Exchange. Indeed, the Exchange is unaware of any one exchange whose membership includes every registered broker-dealer. The Exchange also believes substitutable products and services are available to market participants, including, among other things, other equities and options exchanges that a market participant may connect to in lieu of the Exchange, indirect connectivity to the Exchange via a third-party reseller of connectivity, and/or trading of equities or options products within markets which do not require connectivity to the Exchange, such as the Over-the-Counter (OTC) markets.

There are currently 16 registered equities exchanges that trade equities and 17 exchanges offering options trading services. No single equities exchange has more than 15% of the market share.[15] No single options exchange trades more than 14% of the options market by volume and only one of the 17 options exchanges has a market share over 10 percent.[16] This broad dispersion of market share demonstrates that market participants can and do exercise choice in trading venues. Further, low barriers to entry mean that new exchanges may rapidly enter the market and offer additional substitute platforms to further compete with the Exchange and the products it offers.

As such, the Exchange must set its fees, including its fees for connectivity and co-location services and products, competitively. If not, customers may move to other venues or reduce use of the Exchange's services. ''If competitive forces are operative, the self-interest of the exchanges themselves will work powerfully to constrain unreasonable or unfair behavior.'' [17] Accordingly, ''the existence of significant competition provides a substantial basis for finding that the terms of an exchange's fee proposal are equitable, fair, reasonable, and not unreasonably or unfairly discriminatory.'' [18] Disincentivizing market participants from purchasing Exchange connectivity would only serve to discourage participation on the Exchange, which ultimately does not benefit the Exchange. Moreover, if the Exchange charges excessive fees, it may stand to lose not only connectivity revenues but also other revenues, including revenues associated with the execution of orders.

In summary, the proposal represents an equitable allocation of reasonable dues, fees and other charges because Exchange fees have fallen in real terms and customers have a choice in trading venue and will exercise that choice and trade at another venue if exchange fees are not set competitively.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(4) and (5).

[11] *See https://www.officialdata.org/us/inflation/2015?amount=1* (Last updated February 27, 2024).

[12] As noted above, unregulated competitors providing connectivity and colocation services often have annual price increases written into their agreements with customers to account for inflation and rising costs.

[13] Between 2017 and 2024, inflation exceeded 25%. *See https://www.officialdata.org/us/inflation/2017?amount=1* (Last updated February 27, 2024).

[14] *See https://www.officialdata.org/us/inflation/2022?endYear=2023&amount=1.*

[15] *See* Cboe Global Markets, U.S. Equities Market Volume Summary, Month-to-Date (Last updated January 11, 2024), available at *https://www.cboe.com/us/equities/market_statistics/.*

[16] *See* Nasdaq, Options Market Statistics (Last updated January 11, 2024), available at *https://www.nasdaqtrader.com/Trader.aspx?id=OptionsVolumeSummary.*

[17] *See* Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74,770 (December 9, 2008) (SR–NYSEArca–2006–21).

[18] *Id.*

No Unfair Discrimination

The Exchange believes that the proposed fee changes are not unfairly discriminatory because the fees are assessed uniformly across all market participants that voluntarily subscribe to or purchase connectivity and co-location services or products, which are available to all customers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Nothing in the proposal burdens inter-market competition (the competition among self-regulatory organizations) because approval of the proposal does not impose any burden on the ability of other exchanges to compete. The Exchange operates in a highly competitive market in which market participants can determine whether or not to connect to the Exchange based on the value received compared to the cost of doing so. Indeed, market participants have numerous alternative exchanges that they may participate on and direct their order flow, as well as off-exchange venues, where competitive products are available for trading.

Nothing in the proposal burdens intra-market competition (the competition among consumers) because the Exchange's connectivity and co-location services are available to any customer under the same fee schedule as any other customer, and any market participant that wishes to purchase such services can do so on a non-discriminatory basis.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[19]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–Phlx–2024–08 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– Phlx–2024–08. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–Phlx–2024–08 and should be submitted on or before April 11, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–05944 Filed 3–20–24; 8:45 am]

BILLING CODE 8011–01–P

[19] 15 U.S.C. 78s(b)(3)(A)(ii).

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–99745; File No. SR–CboeEDGX–2024–017]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend its Fee Schedule

March 15, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 1, 2024, Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX Options'') proposes to amend its Fee Schedule. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/options/regulation/rule_filings/edgx/*), 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

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its fee schedule for its equity options platform (''EDGX Options'') relating to logical connectivity fees.[3]

By way of background, the Exchange offers a variety of logical ports, which provide users with the ability within the Exchange's System to accomplish a specific function through a connection, such as order entry, data receipt or access to information. The Exchange currently assesses, among other things, the following logical port connectivity fees on a monthly basis: $500 per port for Logical Ports;[4] $500 per port for Multicast PITCH Spin Server Ports (''Spin Ports'') and GRP Ports;[5] and $600 per port for Ports with Bulk Quoting Capabilities[6] (''Bulk Ports''). The Exchange proposes to increase the monthly fees for the forgoing ports to the following rates: $750 per port for Logical Ports, Spin Ports and GRP Ports and $1,000 per port for Bulk Ports. The Exchange notes the proposed fee change better enables it to continue to maintain and improve its market technology and services and also notes that the proposed fee amount, even as amended, continues to be in line with, or even lower than, amounts assessed by other exchanges for similar connections, including the Exchange's affiliated options exchanges.[7]

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[8] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[9] 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)[10] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with Section 6(b)(4)[11] of the Act, which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities.

The Exchange believes the proposed fee is reasonable as it is still in line with, or even lower than, amounts assessed by other exchanges for similar connections.[12] Indeed, the Exchange believes assessing fees that are a lower rate than fees assessed by other exchanges for analogous connectivity (which were similarly adopted via the rule filing process and filed with the Commission) is reasonable. Additionally, the Exchange believes the proposed fee increase is reasonable in light of recent and anticipated connectivity-related upgrades and changes. The Exchange and its affiliated exchanges recently launched a multi-year initiative to improve Cboe Exchange Platform performance and capacity requirements, including for its U.S. options markets, to increase competitiveness, support growth and advance a consistent world class platform. The goal of the project, among other things, is to provide faster and more consistent order handling and matching performance for options, while ensuring quicker processing time and supporting increasing volumes. For example, the Exchange is currently performing order handler and matching engine hardware upgrades to advance this goal.

The Exchange also notes market participants may continue to choose the method of connectivity based on their specific needs, and no broker-dealer is required to become a Member of, let alone connect directly to, the Exchange. There is also no regulatory requirement that any market participant connect to any one particular exchange. Moreover, direct connectivity is not a requirement to participate on the Exchange. The Exchange also believes substitutable products and services are available to market participants, including, among other things, other options exchanges to which a market participant may connect in lieu of the Exchange, indirect connectivity to the Exchange via a third-party reseller of connectivity, and/or trading of any options product, such as within the Over-the-Counter (OTC) markets, which do not require connectivity to the Exchange. Indeed, there are currently 17 registered options exchanges that trade options (13 of which are not affiliated with Cboe), some of which have similar or lower connectivity fees.[13] Based on publicly available information, no single options exchange has more than approximately 17% of the market share.[14] Further, low barriers to entry mean that new exchanges may rapidly enter the market and offer additional substitute platforms to further compete with the Exchange and the products it offers. For example, there are 4 exchanges that have been added in the U.S. options markets in the last 5 years (*i.e.,* Nasdaq MRX, LLC, MIAX Pearl, LLC, MIAX Emerald LLC, and most recently MEMX LLC), with a fifth options exchange anticipated to added in 2024 (MIAX Sapphire, LLC).

As for market participants that determine to continue to maintain membership or to join the Exchange for business purposes, those business reasons presumably result in revenue capable of covering the proposed fee. Further, for such market participants that choose to connect to the Exchange, the Exchange believes the proposed fees continue to provide flexibility with

[3] The Exchange initially filed the proposed fee change on January 2, 2024 (SR–CboeEDGX–2024–006). On March 1, 2024, the Exchange withdrew that filing and submitted this filing.

[4] Logical Ports include FIX and BOE ports (used for order entry), drop logical port (which grants users the ability to receive and/or send drop copies) and ports that are used for receipt of certain market data feeds.

[5] Spin Ports and GRP Ports are used to request and receive a retransmission of data from the Exchange's Multicast PITCH data feeds.

[6] Bulk Quoting Capabilities Ports provide users with the ability to submit and update multiple bids and offers in one message through logical ports enabled for bulk-quoting.

[7] *See, e.g.,* Cboe C2 Options Exchange Fee Schedule, Options Logical Port Fees, Cboe BZX Options Exchange Fee Schedule, Options Logical Port Fees and Cboe Exchange Fees Schedule, Logical Connectivity Fees; *see also* The Nasdaq Stock Market Options Pricing Schedule, Section 3 Nasdaq Options Market—Ports and Other Services.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] *Id.*

[11] 15 U.S.C. 78f(b)(4).

[12] *See, e.g.,* Cboe C2 Options Exchange Fee Schedule, Options Logical Port Fees, Cboe BZX Options Exchange Fee Schedule, Options Logical Port Fees and Cboe Exchange Fees Schedule, Logical Connectivity Fees *see also* The Nasdaq Stock Market Options Pricing Schedule, Section 3 Nasdaq Options Market—Ports and Other Services.

[13] *Id.*

[14] *See* Cboe Global Markets U.S. Options Market Volume Summary (December 20, 2023), available at *https://markets.cboe.com/us/options/market_statistics/.*

respect to how to connect to the Exchange based on each market participants' respective business needs. For example, the amount and type of logical ports are determined by factors relevant and specific to each market participant, including its business model, costs of connectivity, how its business is segmented and allocated and volume of messages sent to the Exchange. Moreover, the Exchange notes that it does not have unlimited system capacity and the proposed fees are also designed to encourage market participants to be efficient with their respective logical port usage and discourage the purchasing of large amounts of superfluous ports. There is also no requirement that any market participant maintain a specific number of logical ports and a market participant may choose to maintain as many or as few of such ports as each deems appropriate. Further, market participants may reduce or discontinue use of these ports in response to the proposed fees. Indeed, when the Exchange last increased pricing for logical ports, some market participants did in fact reduce the number of logical ports they maintained. Particularly, for example, Logical Port quantities were reduced by approximately 20% .This demonstrates that if an exchange sets a fee too high for connectivity, market participant can and do choose to disconnect, or reduce, their connectivity from the Exchange. The Exchange also does not assess any termination fee for a market participant to drop its connectivity or membership, nor is the Exchange aware of any other costs that would be incurred by a market participant to do so.

As noted above, there is no regulatory requirement that any market participant connect to any one options exchange, nor that any market participant connect at a particular connection speed or act in a particular capacity on the Exchange, or trade any particular product offered on an exchange. Moreover, membership is not a requirement to participate on the Exchange. Indeed, the Exchange is unaware of any one options exchange whose membership includes every registered broker-dealer. By way of example, while the Exchange has 51 members that trade options, Cboe BZX has 61 members that trade options, and Cboe C2 has 52 Trading Permit Holders (''TPHs'') (*i.e.,* members). There is also no firm that is a Member of EDGX Options only. Further, based on previously publicly available information regarding a sample of the Exchange's competitors, NYSE American Options has 71 members,[15] and NYSE Arca Options has 69 members,[16] MIAX Options has 46 members [17] and MIAX Pearl Options has 40 members.[18] Accordingly, excessive fees would simply serve to reduce demand for these products, which market participants are under no regulatory obligation to utilize.

The Exchange also believes that the proposed fee change is not unfairly discriminatory because it would be assessed uniformly across all market participants that purchase the respective logical ports. All Members have the option to select any connectivity option, and there is no differentiation among Members with regard to the fees charged for the services offered by 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. The Exchange believes the proposed fee change will not impact intramarket competition because it will apply to all similarly situated market participants equally (*i.e.,* all market participants that choose to purchase the relevant logical ports).

The Exchange believes the proposed fees will not impact intermarket competition because they are also in line with, or even lower than some fees for similar connectivity on other exchanges, and therefore may stimulate intermarket competition by attracting additional firms to connect to the Exchange or at least should not deter interested participants from connecting directly to the Exchange. Further, if the changes proposed herein are unattractive to market participants, the Exchange can, and likely will, see a decline in usage of these ports as a result. The Exchange operates in a highly competitive market in which market participants can determine whether or not to connect directly to the Exchange based on the value received compared to the cost of doing so. Indeed, market participants have numerous alternative venues that they may participate on and direct their order flow, including 13 (soon to be 14) non-Cboe affiliated options markets, as well as off-exchange venues, where competitive products are available for trading. Moreover, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [19] The fact that this market is competitive has also long been recognized by the courts. In *NetCoalition* v. *Securities and Exchange Commission*, the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .''.[20] Accordingly, the Exchange does not believe its proposed change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act [21] and paragraph (f) of Rule 19b–4 [22] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if

[15] *See https://www.nyse.com/markets/american-options/membership#directory.*

[16] *See https://www.nyse.com/markets/arca-options/membership#directory.*

[17] *See https://www.miaxglobal.com/sites/default/files/page-files/MIAX_Options_Exchange_Members_April_2023_04282023.pdf.*

[18] *See https://www.miaxglobal.com/sites/default/files/page-files/MIAX_Pearl_Exchange_Members_01172023_0.pdf.*

[19] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[20] *NetCoalition* v. *SEC*, 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[21] 15 U.S.C. 78s(b)(3)(A)(ii).

[22] 17 CFR 240.19b–4(f).

it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include file number SR–CboeEDGX–2024–017 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CboeEDGX–2024–017. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CboeEDGX–2024–017 and should be submitted on or before April 11, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–05946 Filed 3–20–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–99746; File No. SR–MRX–2024–04]

Self-Regulatory Organizations; Nasdaq MRX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend its Fees for Connectivity and Co-Location Services

March 15, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 1, 2024, Nasdaq MRX, LLC (''MRX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's fees for connectivity and co-location services, as described further below.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/mrx/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Exchange's fees relating to connectivity and co-location services. Specifically, the Exchange proposes to raise its fees for connectivity and co-location services in General 8 as well as certain fees related to its Testing Facilities in Options 7, Section 7 by 5.5%, with certain exceptions.

General 8, Section 1 includes the Exchange's fees that relate to connectivity, including fees for cabinets, external telco/inter-cabinet connectivity fees, fees for connectivity to the Exchange, fees for connectivity to third party services, fees for market data connectivity, fees for cabinet power install, and fees for additional charges and services. General 8, Section 2 includes the Exchange's fees for direct connectivity services, including fees for direct circuit connection to the Exchange, fees for direct circuit connection to third party services, and fees for point of presence connectivity. With the exception of the Exchange's GPS Antenna fees,[3] the Exchange proposes to increase its fees throughout General 8 by 5.5%.

In addition to increasing fees in General 8, the Exchange also proposes to increase certain fees in Options 7, Section 7, which relate to the Testing Facility. Options 7, Section 7 provides that subscribers to the Testing Facility located in Carteret, New Jersey shall pay a fee of $1,000 per hand-off, per month for connection to the Testing Facility. The hand-off fee includes either a 1Gb or 10Gb switch port and a cross connect to the Testing Facility. In addition, Options 7, Section 7 provides that subscribers shall also pay a one-time installation fee of $1,000 per hand-off. The Exchange proposes to increase these aforementioned fees by 5.5% to require that subscribers to the Testing Facility shall pay a fee of $1,055 per

[23] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Exchange proposes to exclude the GPS Antenna fees from the proposed fee increase because, unlike the other fees in General 8, the Exchange recently increased its GPS Antenna fees. *See* Securities Exchange Act Release No. 34–99130 (December 11, 2023), 88 FR 87009 (December 15, 2023) (SR–MRX–2023–24).

hand-off, per month for connection to the Testing Facility and a one-time installation fee of $1,055 per hand-off.

The proposed increases in fees would enable the Exchange to maintain and improve its market technology and services. The Exchange has not increased any of the fees included in the proposal since 2017.[4] However, since 2017, there has been notable inflation. Between 2017 and 2024, the dollar had an average inflation rate of 3.34% per year, producing a cumulative price increase of 25.82%.[5] Notwithstanding inflation, the Exchange historically has not increased its fees every year.[6] The proposed fees represent a 5.5% increase from the current fees, which is far below inflation since 2017, which exceeded 25%. The proposed 5.5% increase is comparable to recent inflation rates for one-year periods. For example, in 2023, the inflation rate was 4.12% and in 2022, the inflation rate was 8%.[7] The Exchange notes that other exchanges have filed for comparable or higher increases in certain connectivity-related fees, based in part on similar rationale.[8]

In offering connectivity and co-location services, the Exchange incurs certain costs, including costs related to the data center facility, hardware and equipment, and personnel. The Exchange's costs to offer such services have risen, in part because the Exchange is subject to annual escalation clauses that increase certain costs for the Exchange. The Exchange seeks to cover a portion of its increased costs by the proposed 5.5% increase in fees as described above. The Exchange does not seek to cover the full extent of its cost increases with this proposal. In addition, the Exchange continues to invest in improvements that enhance the value of its connectivity and co-location services, including by refreshing hardware and expanding the co-location facility to offer customers additional space and power.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[10] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

This belief is based on a couple factors. First, the current fees do not properly reflect the value of the services and products, as fees for the services and products in question have been static in nominal terms, and therefore falling in real terms due to inflation. Second, exchange fees are constrained by the fact that market participants can choose among 17 different venues for options trading, and therefore no single venue can charge excessive fees for its products without losing customers and market share.

Real Exchange Fees Have Fallen

As explained above, the Exchange has not increased any of the fees included in the proposal since 2017. This means that such fees have fallen in real terms due to inflation, which has been notable. Between 2017 and 2024, the dollar had an average inflation rate of 3.34% per year, producing a cumulative price increase of 25.82%.[11] Notwithstanding inflation, the Exchange historically has not increased its fees every year.[12] As noted above, the Exchange has not increased the fees in this proposal for over 6 years. Accordingly, the Exchange believes that the proposed fees are reasonable as they represent a 5.5% increase from the current fees, which is far below inflation since 2017, which exceeded 25%. The proposed 5.5% increase is comparable to recent inflation rates for one-year periods. For example, in 2023, the inflation rate was 4.12% and in 2022, the inflation rate was 8%.[13]

Not only have real exchange fees fallen, but the Exchange's costs to provide connectivity and co-location services have increased. As stated above, in offering connectivity and co-location services, the Exchange incurs certain costs, including costs related to the data center facility, hardware and equipment, and personnel. The Exchange's costs to offer such services have risen, in part because the Exchange is subject to annual escalation clauses that increase certain costs for the Exchange. The Exchange seeks to cover a portion of its increased costs by the proposed 5.5% increase in fees as described above. The Exchange does not seek to cover the full extent of its cost increases with this proposal. In addition, the Exchange continues to invest in improvements that enhance the value of its connectivity and co-location services, including by refreshing hardware and expanding the co-location facility to offer customers additional space and power.

Customers Have a Choice in Trading Venue

Customers face many choices in where to trade options. Market participants will continue to choose trading venues and the method of connectivity based on their specific needs. No broker-dealer is required to become a Member of the Exchange. There is no regulatory requirement that any market participant connect to any one exchange, nor that any market participant connect at a particular connection speed or act in a particular capacity on the Exchange, or trade any particular product offered on an exchange. Moreover, membership is not a requirement to participate on the Exchange. Indeed, the Exchange is unaware of any one exchange whose membership includes every registered broker-dealer. The Exchange also believes substitutable products and services are available to market participants, including, among other things, other options exchanges that a market participant may connect to in lieu of the Exchange, indirect connectivity to the Exchange via a third-party reseller of connectivity, and/or trading of options products within markets which do not require connectivity to the Exchange, such as the Over-the-Counter (OTC) markets.

There are currently 17 exchanges offering options trading services. No single options exchange trades more than 14% of the options market by volume and only one of the 17 options exchanges has a market share over 10 percent.[14] This broad dispersion of market share demonstrates that market participants can and do exercise choice in trading venues. Further, low barriers to entry mean that new exchanges may rapidly enter the market and offer additional substitute platforms to

[4] *See* Securities Exchange Act Release No. 34–81907 (October 19, 2017), 82 FR 49447 (October 25, 2017) (SRMRX–2017–21).

[5] *See https://www.officialdata.org/us/inflation/2017?amount=1* (Last updated February 27, 2024).

[6] Unregulated competitors providing connectivity and colocation services often have annual price increases written into their agreements with customers to account for inflation and rising costs.

[7] *See https://www.officialdata.org/us/inflation/2022?endYear=2023&amount=1.*

[8] *See, e.g.,* Securities Exchange Act Release No. 34–99550 (February 16, 2024), 89 FR 13763 (February 23, 2024) (SR–CboeBYX–2024–006).

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(4) and (5).

[11] *See https://www.officialdata.org/us/inflation/2017?amount=1* (Last updated February 27, 2024).

[12] As noted above, unregulated competitors providing connectivity and colocation services often have annual price increases written into their agreements with customers to account for inflation and rising costs.

[13] *See https://www.officialdata.org/us/inflation/2022?endYear=2023&amount=1.*

[14] *See* Nasdaq, Options Market Statistics (Last updated January 11, 2024), available at *https://www.nasdaqtrader.com/Trader.aspx?id=OptionsVolumeSummary.*

further compete with the Exchange and the products it offers.

As such, the Exchange must set its fees, including its fees for connectivity and co-location services and products, competitively. If not, customers may move to other venues or reduce use of the Exchange's services. ''If competitive forces are operative, the self-interest of the exchanges themselves will work powerfully to constrain unreasonable or unfair behavior.'' [15] Accordingly, ''the existence of significant competition provides a substantial basis for finding that the terms of an exchange's fee proposal are equitable, fair, reasonable, and not unreasonably or unfairly discriminatory.'' [16] Disincentivizing market participants from purchasing Exchange connectivity would only serve to discourage participation on the Exchange, which ultimately does not benefit the Exchange. Moreover, if the Exchange charges excessive fees, it may stand to lose not only connectivity revenues but also other revenues, including revenues associated with the execution of orders.

In summary, the proposal represents an equitable allocation of reasonable dues, fees and other charges because Exchange fees have fallen in real terms and customers have a choice in trading venue and will exercise that choice and trade at another venue if exchange fees are not set competitively.

No Unfair Discrimination

The Exchange believes that the proposed fee changes are not unfairly discriminatory because the fees are assessed uniformly across all market participants that voluntarily subscribe to or purchase connectivity and co-location services or products, which are available to all customers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Nothing in the proposal burdens inter-market competition (the competition among self-regulatory organizations) because approval of the proposal does not impose any burden on the ability of other exchanges to compete. The Exchange operates in a highly competitive market in which market participants can determine whether or not to connect to the Exchange based on the value received compared to the cost of doing so. Indeed, market participants have numerous alternative exchanges that they may participate on and direct their order flow, as well as off-exchange venues, where competitive products are available for trading.

Nothing in the proposal burdens intra-market competition (the competition among consumers) because the Exchange's connectivity and co-location services are available to any customer under the same fee schedule as any other customer, and any market participant that wishes to purchase such services can do so on a non-discriminatory basis.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[17] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–MRX–2024–04 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–MRX–2024–04. 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–MRX–2024–04 and should be submitted on or before April 11, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–05947 Filed 3–20–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–99748; File No. SR–GEMX–2024–05]

Self-Regulatory Organizations; Nasdaq GEMX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Its Fees for Connectivity and Co-Location Services

March 15, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 1,

[15] *See* Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74,770 (December 9, 2008) (SR–NYSEArca–2006–21).

[16] *Id.*

[17] 15 U.S.C. 78s(b)(3)(A)(ii).

[18] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

2024, Nasdaq GEMX, LLC (''GEMX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's fees for connectivity and co-location services, as described further below.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/gemx/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Exchange's fees relating to connectivity and co-location services. Specifically, the Exchange proposes to raise its fees for connectivity and co-location services in General 8 as well as certain fees related to its Testing Facilities in Options 7, Section 6 by 5.5%, with certain exceptions.

General 8, Section 1 includes the Exchange's fees that relate to connectivity, including fees for cabinets, external telco/inter-cabinet connectivity fees, fees for connectivity to the Exchange, fees for connectivity to third party services, fees for market data connectivity, fees for cabinet power install, and fees for additional charges and services. General 8, Section 2 includes the Exchange's fees for direct connectivity services, including fees for direct circuit connection to the Exchange, fees for direct circuit connection to third party services, and fees for point of presence connectivity. With the exception of the Exchange's GPS Antenna fees,[3] the Exchange proposes to increase its fees throughout General 8 by 5.5%.

In addition to increasing fees in General 8, the Exchange also proposes to increase certain fees in Options 7, Section 6, which relate to the Testing Facility. Options 7, Section 6(H) provides that subscribers to the Testing Facility located in Carteret, New Jersey shall pay a fee of $1,000 per hand-off, per month for connection to the Testing Facility. The hand-off fee includes either a 1Gb or 10Gb switch port and a cross connect to the Testing Facility. In addition, Options 7, Section 6(H) provides that subscribers shall also pay a one-time installation fee of $1,000 per hand-off. The Exchange proposes to increase these aforementioned fees by 5.5% to require that subscribers to the Testing Facility shall pay a fee of $1,055 per hand-off, per month for connection to the Testing Facility and a one-time installation fee of $1,055 per hand-off.

The proposed increases in fees would enable the Exchange to maintain and improve its market technology and services. The Exchange has not increased any of the fees included in the proposal since 2017.[4] However, since 2017, there has been notable inflation. Between 2017 and 2024, the dollar had an average inflation rate of 3.34% per year, producing a cumulative price increase of 25.82%.[5] Notwithstanding inflation, the Exchange historically has not increased its fees every year.[6] The proposed fees represent a 5.5% increase from the current fees, which is far below inflation since 2017, which exceeded 25%. The proposed 5.5% increase is comparable to recent inflation rates for one-year periods. For example, in 2023, the inflation rate was 4.12% and in 2022, the inflation rate was 8%.[7] The Exchange notes that other exchanges have filed for comparable or higher increases in certain connectivity-related fees, based in part on similar rationale.[8]

In offering connectivity and co-location services, the Exchange incurs certain costs, including costs related to the data center facility, hardware and equipment, and personnel. The Exchange's costs to offer such services have risen, in part because the Exchange is subject to annual escalation clauses that increase certain costs for the Exchange. The Exchange seeks to cover a portion of its increased costs by the proposed 5.5% increase in fees as described above. The Exchange does not seek to cover the full extent of its cost increases with this proposal. In addition, the Exchange continues to invest in improvements that enhance the value of its connectivity and co-location services, including by refreshing hardware and expanding the co-location facility to offer customers additional space and power.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[10] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

This belief is based on a couple factors. First, the current fees do not properly reflect the value of the services and products, as fees for the services and products in question have been static in nominal terms, and therefore falling in real terms due to inflation. Second, exchange fees are constrained by the fact that market participants can choose among 17 different venues for options trading, and therefore no single venue can charge excessive fees for its products without losing customers and market share.

Real Exchange Fees Have Fallen

As explained above, the Exchange has not increased any of the fees included in the proposal since 2017. This means that such fees have fallen in real terms due to inflation, which has been notable. Between 2017 and 2024, the dollar had an average inflation rate of 3.34% per year, producing a cumulative

[3] The Exchange proposes to exclude the GPS Antenna fees from the proposed fee increase because, unlike the other fees in General 8, the Exchange recently increased its GPS Antenna fees. *See* Securities Exchange Act Release No. 34–99129 (December 11, 2023), 88 FR 87017 (December 15, 2023) (SR–GEMX–2023–17).

[4] *See* Securities Exchange Act Release No. 34–81902 (October 19, 2017), 82 FR 49453 (October 25, 2017) (SR–GEMX–2017–48).

[5] *See https://www.officialdata.org/us/inflation/2017?amount=1* (Last updated February 27, 2024).

[6] Unregulated competitors providing connectivity and colocation services often have annual price increases written into their agreements with customers to account for inflation and rising costs.

[7] *See https://www.officialdata.org/us/inflation/2022?endYear=2023&amount=1.*

[8] *See, e.g.,* Securities Exchange Act Release No. 34–99550 (February 16, 2024), 89 FR 13763 (February 23, 2024) (SR–CboeBYX–2024–006).

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(4) and (5).

price increase of 25.82%.[11] Notwithstanding inflation, the Exchange historically has not increased its fees every year.[12] As noted above, the Exchange has not increased the fees in this proposal for over 6 years. Accordingly, the Exchange believes that the proposed fees are reasonable as they represent a 5.5% increase from the current fees, which is far below inflation since 2017, which exceeded 25%. The proposed 5.5% increase is comparable to recent inflation rates for one-year periods. For example, in 2023, the inflation rate was 4.12% and in 2022, the inflation rate was 8%.[13]

Not only have real exchange fees fallen, but the Exchange's costs to provide connectivity and co-location services have increased. As stated above, in offering connectivity and co-location services, the Exchange incurs certain costs, including costs related to the data center facility, hardware and equipment, and personnel. The Exchange's costs to offer such services have risen, in part because the Exchange is subject to annual escalation clauses that increase certain costs for the Exchange. The Exchange seeks to cover a portion of its increased costs by the proposed 5.5% increase in fees as described above. The Exchange does not seek to cover the full extent of its cost increases with this proposal. In addition, the Exchange continues to invest in improvements that enhance the value of its connectivity and co-location services, including by refreshing hardware and expanding the co-location facility to offer customers additional space and power.

Customers Have a Choice in Trading Venue

Customers face many choices in where to trade options. Market participants will continue to choose trading venues and the method of connectivity based on their specific needs. No broker-dealer is required to become a Member of the Exchange. There is no regulatory requirement that any market participant connect to any one exchange, nor that any market participant connect at a particular connection speed or act in a particular capacity on the Exchange, or trade any particular product offered on an exchange. Moreover, membership is not a requirement to participate on the Exchange. Indeed, the Exchange is unaware of any one exchange whose membership includes every registered broker-dealer. The Exchange also believes substitutable products and services are available to market participants, including, among other things, other options exchanges that a market participant may connect to in lieu of the Exchange, indirect connectivity to the Exchange via a third-party reseller of connectivity, and/or trading of options products within markets which do not require connectivity to the Exchange, such as the Over-the-Counter (OTC) markets.

There are currently 17 exchanges offering options trading services. No single options exchange trades more than 14% of the options market by volume and only one of the 17 options exchanges has a market share over 10 percent.[14] This broad dispersion of market share demonstrates that market participants can and do exercise choice in trading venues. Further, low barriers to entry mean that new exchanges may rapidly enter the market and offer additional substitute platforms to further compete with the Exchange and the products it offers.

As such, the Exchange must set its fees, including its fees for connectivity and co-location services and products, competitively. If not, customers may move to other venues or reduce use of the Exchange's services. ''If competitive forces are operative, the self-interest of the exchanges themselves will work powerfully to constrain unreasonable or unfair behavior.'' [15] Accordingly, ''the existence of significant competition provides a substantial basis for finding that the terms of an exchange's fee proposal are equitable, fair, reasonable, and not unreasonably or unfairly discriminatory.'' [16] Disincentivizing market participants from purchasing Exchange connectivity would only serve to discourage participation on the Exchange, which ultimately does not benefit the Exchange. Moreover, if the Exchange charges excessive fees, it may stand to lose not only connectivity revenues but also other revenues, including revenues associated with the execution of orders.

In summary, the proposal represents an equitable allocation of reasonable dues, fees and other charges because Exchange fees have fallen in real terms and customers have a choice in trading venue and will exercise that choice and trade at another venue if exchange fees are not set competitively.

No Unfair Discrimination

The Exchange believes that the proposed fee changes are not unfairly discriminatory because the fees are assessed uniformly across all market participants that voluntarily subscribe to or purchase connectivity and co-location services or products, which are available to all customers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Nothing in the proposal burdens inter-market competition (the competition among self-regulatory organizations) because approval of the proposal does not impose any burden on the ability of other exchanges to compete. The Exchange operates in a highly competitive market in which market participants can determine whether or not to connect to the Exchange based on the value received compared to the cost of doing so. Indeed, market participants have numerous alternative exchanges that they may participate on and direct their order flow, as well as off-exchange venues, where competitive products are available for trading.

Nothing in the proposal burdens intra-market competition (the competition among consumers) because the Exchange's connectivity and co-location services are available to any customer under the same fee schedule as any other customer, and any market participant that wishes to purchase such services can do so on a non-discriminatory basis.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[17] At any time within 60 days of the filing of the proposed rule change, the Commission

[11] *See https://www.officialdata.org/us/inflation/2017?amount=1* (Last updated February 27, 2024).

[12] As noted above, unregulated competitors providing connectivity and colocation services often have annual price increases written into their agreements with customers to account for inflation and rising costs.

[13] *See https://www.officialdata.org/us/inflation/2022?endYear=2023&amount=1.*

[14] *See* Nasdaq, Options Market Statistics (Last updated January 11, 2024), available at *https://www.nasdaqtrader.com/Trader.aspx?id=OptionsVolumeSummary.*

[15] *See* Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74,770 (December 9, 2008) (SR–NYSEArca–2006–21).

[16] *Id.*

[17] 15 U.S.C. 78s(b)(3)(A)(ii).

summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–GEMX–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–GEMX–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 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–GEMX–2024–05 and should be submitted on or before April 11, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–05949 Filed 3–20–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–99744; File No. SR–NASDAQ–2024–008]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Its Fees for Connectivity and Co-Location Services

March 15, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 1, 2024, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's fees for connectivity and co-location services, as described further below.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/nasdaq/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Exchange's fees relating to connectivity and co-location services. Specifically, the Exchange proposes to raise its fees for connectivity and co-location services in General 8, fees assessed for remote multi-cast ITCH (''MITCH'') Wave Ports in Equity 7, Section 115, and certain fees related to Nasdaq Testing Facilities in Equity 7, Section 130 by 5.5%, with certain exceptions.

General 8, Section 1 includes the Exchange's fees that relate to connectivity, including fees for cabinets, external telco/inter-cabinet connectivity fees, fees for connectivity to the Exchange, fees for connectivity to third party services, fees for market data connectivity, fees for cabinet power install, and fees for additional charges and services. General 8, Section 2 includes the Exchange's fees for direct connectivity services, including fees for direct circuit connection to the Exchange, fees for direct circuit connection to third party services, and fees for point of presence connectivity. With the exception of the Exchange's GPS Antenna fees,[3] the Exchange proposes to increase its fees throughout General 8 by 5.5%.

In addition to increasing fees in General 8, the Exchange also proposes to increase certain fees in Equity 7. First, the Exchange proposes to increase the installation and recurring monthly fees assessed for remote MITCH Wave Ports[4] in Equity 7, Section 115(g)(1) by 5.5%. In addition, the Exchange proposes to increase certain fees in Section 130(d), which relate to the Nasdaq Testing Facility. Equity 7,

[18] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Exchange proposes to exclude the GPS Antenna fees from the proposed fee increase because, unlike the other fees in General 8, the Exchange recently increased its GPS Antenna fees. *See* Securities Exchange Act Release No. 34–99126 (December 8, 2023), 88 FR 86712 (December 14, 2023) (SR–NASDAQ–2023–052).

[4] Remote MITCH Wave Ports are for clients co-located at other third-party data centers, through which NASDAQ TotalView ITCH market data is distributed after delivery to those data centers via wireless network.

Section 130(d)(1)(C) provides that subscribers to the Nasdaq Testing Facility (''NTF'') located in Carteret, New Jersey shall pay a fee of $1,000 per hand-off, per month for connection to the NTF. The hand-off fee includes either a 1Gb or 10Gb switch port and a cross connect to the NTF. In addition, Equity 7, Section 130(d)(1)(C) provides that subscribers shall also pay a one-time installation fee of $1,000 per hand-off. The Exchange proposes to increase these aforementioned fees by 5.5% to require that subscribers to the NTF shall pay a fee of $1,055 per hand-off, per month for connection to the NTF and a one-time installation fee of $1,055 per hand-off.

The proposed increases in fees would enable the Exchange to maintain and improve its market technology and services. With the exception of fees that were established as part of a new service in 2017 (and have remained unchanged since their adoption), the Exchange has not increased any of the fees included in the proposal since 2015, and many of the fees date back to between 2010 and 2014. However, since 2015, there has been notable inflation. Between 2015 and 2024, the dollar had an average inflation rate of 2.97% per year, producing a cumulative price increase of 30.12%.[5] Notwithstanding inflation, the Exchange historically has not increased its fees every year.[6] The proposed fees represent a 5.5% increase from the current fees, which is far below inflation since 2015, which exceeded 30%.[7] The proposed 5.5% increase is comparable to recent inflation rates for one-year periods. For example, in 2023, the inflation rate was 4.12% and in 2022, the inflation rate was 8%.[8] The Exchange notes that other exchanges have filed for comparable or higher increases in certain connectivity-related fees, based in part on similar rationale.[9]

In offering connectivity and co-location services, the Exchange incurs certain costs, including costs related to the data center facility, hardware and equipment, and personnel. The Exchange's costs to offer such services have risen, in part because the Exchange is subject to annual escalation clauses that increase certain costs for the Exchange. The Exchange seeks to cover a portion of its increased costs by the proposed 5.5% increase in fees as described above. The Exchange does not seek to cover the full extent of its cost increases with this proposal. In addition, the Exchange continues to invest in improvements that enhance the value of its connectivity and co-location services, including by refreshing hardware and expanding the co-location facility to offer customers additional space and power.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[10] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[11] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

This belief is based on a couple factors. First, the current fees do not properly reflect the value of the services and products, as fees for the services and products in question have been static in nominal terms, and therefore falling in real terms due to inflation. Second, exchange fees are constrained by the fact that market participants can choose among 16 different venues for equities trading and 17 different venues for options trading, and therefore no single venue can charge excessive fees for its products without losing customers and market share.

Real Exchange Fees Have Fallen

As explained above, with the exception of fees that were established as part of a new service in 2017 (and have remained unchanged since their adoption), the Exchange has not increased any of the fees included in the proposal since 2015, and many of the fees date back to between 2010 and 2014. This means that such fees have fallen in real terms due to inflation, which has been notable. Between 2015 and 2024, the dollar had an average inflation rate of 2.97% per year, producing a cumulative price increase of 30.12%.[12] Notwithstanding inflation, the Exchange historically has not increased its fees every year.[13] As noted above, the Exchange has not increased the fees in this proposal for over 8 years (or in the case of services introduced in 2017, for over 6 years since the services were introduced). Accordingly, the Exchange believes that the proposed fees are reasonable as they represent a 5.5% increase from the current fees, which is far below inflation since 2015, which exceeded 30%.[14] The proposed 5.5% increase is comparable to recent inflation rates for one-year periods. For example, in 2023, the inflation rate was 4.12% and in 2022, the inflation rate was 8%.[15]

Not only have real exchange fees fallen, but the Exchange's costs to provide connectivity and co-location services have increased. As stated above, in offering connectivity and co-location services, the Exchange incurs certain costs, including costs related to the data center facility, hardware and equipment, and personnel. The Exchange's costs to offer such services have risen, in part because the Exchange is subject to annual escalation clauses that increase certain costs for the Exchange. The Exchange seeks to cover a portion of its increased costs by the proposed 5.5% increase in fees as described above. The Exchange does not seek to cover the full extent of its cost increases with this proposal. In addition, the Exchange continues to invest in improvements that enhance the value of its connectivity and co-location services, including by refreshing hardware and expanding the co-location facility to offer customers additional space and power.

Customers Have a Choice in Trading Venue

Customers face many choices in where to trade both equities and options. Market participants will continue to choose trading venues and the method of connectivity based on their specific needs. No broker-dealer is required to become a Member of the Exchange. There is no regulatory requirement that any market participant connect to any one exchange, nor that any market participant connect at a particular connection speed or act in a particular capacity on the Exchange, or trade any particular product offered on an exchange. Moreover, membership is not a requirement to participate on the Exchange. Indeed, the Exchange is unaware of any one exchange whose

[5] *See https://www.officialdata.org/us/inflation/2015?amount=1* (Last updated February 27, 2024).

[6] Unregulated competitors providing connectivity and co-location services often have annual price increases written into their agreements with customers to account for inflation and rising costs.

[7] Between 2017 and 2024, inflation exceeded 25%. *See https://www.officialdata.org/us/inflation/2017?amount=1* (Last updated February 27, 2024).

[8] *See https://www.officialdata.org/us/inflation/2022?endYear=2023&amount=1.*

[9] *See, e.g.,* Securities Exchange Act Release No. 34–99550 (February 16, 2024), 89 FR 13763 (February 23, 2024) (SR–CboeBYX–2024–006).

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(4) and (5).

[12] *See https://www.officialdata.org/us/inflation/2015?amount=1* (Last updated February 27, 2024).

[13] As noted above, unregulated competitors providing connectivity and co-location services often have annual price increases written into their agreements with customers to account for inflation and rising costs.

[14] Between 2017 and 2024, inflation exceeded 25%. *See https://www.officialdata.org/us/inflation/2017?amount=1* (Last updated February 27, 2024).

[15] *See https://www.officialdata.org/us/inflation/2022?endYear=2023&amount=1.*

membership includes every registered broker-dealer. The Exchange also believes substitutable products and services are available to market participants, including, among other things, other equities and options exchanges that a market participant may connect to in lieu of the Exchange, indirect connectivity to the Exchange via a third-party reseller of connectivity, and/or trading of equities or options products within markets which do not require connectivity to the Exchange, such as the Over-the-Counter (OTC) markets.

There are currently 16 registered equities exchanges that trade equities and 17 exchanges offering options trading services. No single equities exchange has more than 15% of the market share.[16] No single options exchange trades more than 14% of the options market by volume and only one of the 17 options exchanges has a market share over 10 percent.[17] This broad dispersion of market share demonstrates that market participants can and do exercise choice in trading venues. Further, low barriers to entry mean that new exchanges may rapidly enter the market and offer additional substitute platforms to further compete with the Exchange and the products it offers.

As such, the Exchange must set its fees, including its fees for connectivity and co-location services and products, competitively. If not, customers may move to other venues or reduce use of the Exchange's services. ''If competitive forces are operative, the self-interest of the exchanges themselves will work powerfully to constrain unreasonable or unfair behavior.'' [18] Accordingly, ''the existence of significant competition provides a substantial basis for finding that the terms of an exchange's fee proposal are equitable, fair, reasonable, and not unreasonably or unfairly discriminatory.'' [19] Disincentivizing market participants from purchasing Exchange connectivity would only serve to discourage participation on the Exchange, which ultimately does not benefit the Exchange. Moreover, if the Exchange charges excessive fees, it may stand to lose not only connectivity revenues but also other revenues, including revenues associated with the execution of orders.

In summary, the proposal represents an equitable allocation of reasonable dues, fees and other charges because Exchange fees have fallen in real terms and customers have a choice in trading venue and will exercise that choice and trade at another venue if exchange fees are not set competitively.

No Unfair Discrimination

The Exchange believes that the proposed fee changes are not unfairly discriminatory because the fees are assessed uniformly across all market participants that voluntarily subscribe to or purchase connectivity and co-location services or products, which are available to all customers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Nothing in the proposal burdens inter-market competition (the competition among self-regulatory organizations) because approval of the proposal does not impose any burden on the ability of other exchanges to compete. The Exchange operates in a highly competitive market in which market participants can determine whether or not to connect to the Exchange based on the value received compared to the cost of doing so. Indeed, market participants have numerous alternative exchanges that they may participate on and direct their order flow, as well as off-exchange venues, where competitive products are available for trading.

Nothing in the proposal burdens intra-market competition (the competition among consumers) because the Exchange's connectivity and co-location services are available to any customer under the same fee schedule as any other customer, and any market participant that wishes to purchase such services can do so on a non-discriminatory basis.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[20]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–NASDAQ–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–NASDAQ–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,

[16] *See* Cboe Global Markets, U.S. Equities Market Volume Summary, Month-to-Date (Last updated January 11, 2024), available at *https://www.cboe.com/us/equities/market_statistics/.*

[17] *See* Nasdaq, Options Market Statistics (Last updated January 11, 2024), available at *https://www.nasdaqtrader.com/Trader.aspx?id=OptionsVolumeSummary.*

[18] *See* Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74,770 (December 9, 2008) (SR–NYSEArca–2006–21).

[19] *Id.*

[20] 15 U.S.C. 78s(b)(3)(A)(ii).

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–NASDAQ–2024–008 and should be submitted on or before April 11, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–05945 Filed 3–20–24; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF TRANSPORTATION

[Docket No. FAA–2023–2372]

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Application for Certificate of Waiver or Authorization

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 Office of Management and Budget (OMB) approval to renew an information collection. This collection affects persons who have a need to deviate from certain regulations that govern use of airspace within the United States. The request also describes the burden associated with authorizations to make parachute jumps and operate unmanned aircraft (including moored balloons, kites, unmanned rockets, and unmanned free balloons) and small unmanned aircraft systems.

DATES: Written comments should be submitted by April 22, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Raymond Plessinger by email at: *raymond.plessinger@faa.gov;* phone: (717) 774–8271.

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: 2120–0027.

Title: Application for Certificate of Waiver or Authorization.

Form Numbers: FAA form 7711–2.

Type of Review: Renewal.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on December 6, 2023 (88 FR 84871). The information collected by FAA Form 7711–2, Application for Certificate of Waiver or Authorization, is reviewed and analyzed by the FAA to determine the type and extent of the intended deviation from prescribed regulations. A certificate of waiver or authorization to deviate is generally issued to the applicant (individuals and businesses) if the proposed operation does not create a hazard to persons, property, or other aircraft, and includes the operation of unmanned aircraft. Applications for certificates of waiver to the provisions of parts 91 and 101 are made by using FAA Form 7711–2. Application for authorization to make parachute jumps (other than emergency or military operations) under part 105, section 105.15 (airshows and meets) also uses FAA Form 7711–2. Application for other types of parachute jumping activities are submitted in various ways; *e.g.,* in writing, in person, by telephone, etc.

Persons authorized to deviate from provisions of part 101 are required to give notice of actual activities. Persons operating in accordance with the provisions of part 101 are also required to give notice of actual activities. In both instances, the notice of information required is the same. Therefore, the burden associated with applications for certificates of waiver or authorization and the burden associated with notices of actual aircraft activities are identified and included in this request for clearance.

Regarding operation of small unmanned aircraft systems under part 107, to obtain a certificate of waiver, an applicant will have to submit a request containing a complete description of the proposed operation and a justification, including supporting data and documentation as necessary that establishes that the proposed operation can safely be conducted under the terms of a certificate of waiver. The FAA expects that the amount of data and analysis required as part of the application will be proportional to the specific relief that is requested.

Respondents: 26,495, including approximately 5,500 annual applications for waivers from certain sections of Part 107.

Frequency: On occasion.

Estimated Average Burden per Response: 45 minutes for non-part 107 waivers; 45.7 hours for part 107 waivers.

Estimated Total Annual Burden: 19,871 hours (not-part 107) + 251,520 (part 107) = 271,391 hours.

Issued in Washington, DC, on March 15, 2024.

D.C. Morris,

Aviation Safety Analyst, Flight Standards Service, General Aviation and Commercial Division.

[FR Doc. 2024–05964 Filed 3–20–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No.: FHWA–2023–0002]

Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation Discretionary Program Metrics

AGENCY: Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT).

ACTION: Notice; request for comments.

SUMMARY: The FHWA is establishing metrics for the purpose of evaluating the effectiveness and impacts of projects under the Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT) Discretionary Grant Program. The FHWA will select a representative sample of projects to evaluate using these metrics. This notice fulfills FHWA's requirement to publish the proposed metrics in the **Federal Register** for public comment.

DATES: Submit comments on the proposed metrics by May 20, 2024.

ADDRESSES: To ensure that you do not duplicate your docket submissions,

[21] 17 CFR 200.30–3(a)(12).

please submit comments by only one of the following means:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* and follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590;
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9:00 a.m. and 5:00 p.m. ET, Monday through Friday, except Federal holidays. The telephone number is (202) 366–9329;
- *Instructions:* You must include the Agency name and docket number for the notice at the beginning of your comments. All comments received will be posted without change to *www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Rebecca Lupes, Office of Natural Environment; *Rebecca.Lupes@dot.gov,* 202–366–7808, 1200 New Jersey Avenue SE, Washington, DC 20590, or Alla C. Shaw, Esq. HCC–30, *Alla.Shaw@dot.gov,* (202) 366–1042, Room E84–463, 1200 New Jersey Avenue SE, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

I. Background

On November 15, 2021, the President signed the Infrastructure Investment and Jobs Act (IIJA) (Pub. L. 117–58, also known as the ''Bipartisan Infrastructure Law'' (BIL)) into law.

Section 11405 of the BIL established the PROTECT Formula and Discretionary Grant Programs, which are codified in section 176 of Title 23, United States Code (U.S.C). Although both the PROTECT Formula and Discretionary Grant Programs share common activities, this notice focuses only on the discretionary grants authorized under 23 U.S.C. 176(d). Under 23 U.S.C. 176(f), FHWA is directed to establish metrics for the purpose of evaluating the effectiveness and impacts of PROTECT Discretionary Grant Program-funded projects and procedures for monitoring and evaluating projects based on those metrics. The FHWA is also required to select a representative sample of projects to be evaluated based on these metrics and procedures. This notice provides an opportunity for public comment on the proposed metrics before they are adopted. (23 U.S.C. 176(f)(2)). The FHWA may adjust these metrics based on feedback from this notice and from grant recipients, as well as FHWA's assessment of analytical and data challenges and ongoing assessment of the utility of each measure.

The vision of the PROTECT Discretionary Grant Program is to fund projects that address the climate crisis by improving the resilience of the surface transportation system, including highways, public transportation, ports, and intercity passenger rail. Projects selected under this program should be grounded in the best available scientific understanding of climate change risks, impacts, and vulnerabilities. Projects should support the continued operation or rapid recovery of crucial local, regional, or national surface transportation facilities. Furthermore, selected projects should utilize innovative and collaborative approaches to risk reduction, including the use of natural infrastructure, which is explicitly eligible under the program. Natural infrastructure (also called nature-based solutions) strategies include conservation, restoration, or construction of riparian and streambed treatments, marshes, wetlands, native vegetation, stormwater bioswales, breakwaters, reefs, dunes, parks, urban forests, and shade trees. Nature-based solutions reduce flood risks, erosion, wave damage, and heat impacts while also creating habitat, filtering pollutants, and providing recreational benefits. Projects in the PROTECT Discretionary Grant Program have the potential to demonstrate innovation in the area of resiliency and best practices that State and local governments in other parts of the country can consider replicating.

By funding projects that improve resilience to natural hazards and climate change impacts, the PROTECT Discretionary Grant Program aims to reduce damage and disruption to the transportation system, improve the safety of the traveling public, and improve equity by addressing the needs of disadvantaged communities that are often the most vulnerable to hazards. The FHWA will seek to award projects to communities that demonstrate a strong need for the funding. The program also includes set asides for rural communities and Indian Tribes.

Under the PROTECT Discretionary Grant Program, similar to the PROTECT Formula Program, grant funds may only be used for activities that are primarily for the purpose of resilience or inherently resilience-related.

There are four categories of funding under the PROTECT Discretionary Grant Program. One category is for Planning Grants. The other three categories are for Resilience Improvement, Community Resilience and Evacuation Routes, and At-Risk Coastal Infrastructure projects, collectively referred to as Resilience Grants. The FHWA is seeking input on proposed performance metrics that will enable the Agency to measure the impact and effectiveness of a representative sample of grant projects funded under the PROTECT Discretionary Grant Program. Proposed metrics are located in Section II of this notice.

Definitions

- *Baseline* refers to the observed level of performance for a specified timeframe from which implementation begins, improvement is judged, or comparison is made.[1]
- *Goal* is a broad statement of a desired end condition or outcome; a unique piece of the Agency's vision.
- *Performance Measures* are quantifiable and are based upon a defined metric used to track progress toward goals, objectives, and achievement of established targets. They should be manageable, sustainable, and based on collaboration with partners. Measures provide an effective basis for evaluating strategies for performance improvement.
- *Metric* is an indicator of performance or condition.
- *Effectiveness* refers to the extent to which a project is achieving one or more of the PROTECT Discretionary Grant Program objectives.[2]
- *Impact* refers to a valuation of a project's outcomes, including estimating what would have happened in the absence of the project.
- *Robustness* refers to the strength, or the ability of elements, systems, and other measures of analysis to withstand a given level of stress or demand without suffering degradation or loss of function.[3]
- *Redundancy* is the extent to which elements, systems, or other measures of analysis exist that are substitutable, *i.e.,*

[1] For the purpose of this notice, FHWA is utilizing definitions for the performance management terms ''baseline'', ''goal'', ''performance measure'', and ''metric'' from the FHWA *Transportation Performance Management (TPM) Guidebook* available at *https://www.tpmtools.org/guidebook/.*

[2] The FHWA is utilizing a variation of the U.S. Government Accountability Office's (GAO) definitions for the terms ''effectiveness'' and ''impact.'' *See GAO. Program Evaluation Key Terms and Concepts. GAO–21–404SP (2021),* available at *https://www.gao.gov/assets/gao-21-404sp.pdf.*

[3] The FHWA is utilizing Bruneau et.al.'s definitions for the terms ''Robustness'', ''Redundancy'', ''Resourcefulness'' and ''Rapidity''. *See:* Bruneau, M., SE Chang, R.T. Eguchi, G.C. Lee, T.D. O'Rourke, A.M. Reinhorn, M. Shinozuka, K. Tierney, W.A. Wallace, and D.V. Winterfeldt. 2003. ''A Framework to Quantitatively Assess and Enhance the Seismic Resilience of Communities.'' Earthquake Spectra 19:733–752.

capable of satisfying functional requirements in the event of disruption, degradation, or loss of functionality.

- *Resourcefulness* refers to the capacity to identify problems, establish priorities, and mobilize resources when conditions exist that threatens to disrupt some element, system, or other measures of analysis.
- *Rapidity* is the capacity to meet priorities and achieve goals in a timely manner in order to contain losses, recover functionality and avoid future disruption.

Areas Where FHWA Is Seeking Input

- *Number and detail of proposed metrics.* The FHWA seeks comment on the number and level of detail of the proposed metrics.
- *Data availability.* The FHWA is seeking comment regarding the extent to which data resources are readily available to support the proposed metrics.
- *Decision support.* The FHWA intends for the proposed metrics to provide useful and timely data to inform transportation decision-making. The FHWA seeks comment on how data collected and published by the Agency may later be utilized by State departments of transportation, metropolitan planning organizations, cities, Tribes, and other stakeholders to deepen the understanding of resilience.
- *Reporting burden.* The FHWA seeks general comments on reporting burden associated with FHWA's collection of resilience metric data on the projects FHWA selects to monitor, especially PROTECT Discretionary Program Grant projects located in disadvantaged or environmental justice communities.

II. Project Metrics

a. Planning Grants

The purpose of PROTECT Discretionary Grant Program Planning Grants is to enable communities to assess vulnerabilities to current and future weather events and natural disasters and changing conditions, including sea level rise, and plan transportation improvements and emergency response strategies to address those vulnerabilities (23 U.S.C. 176(b)(2)(B)). To assess the effectiveness and impact of projects in fulfilling this purpose, FHWA established the program objectives and performance measures identified in Table 1. The FHWA will monitor progress made on each applicable performance measure using the associated metrics in Table 1.

TABLE 1—PROTECT PLANNING GRANT PERFORMANCE METRICS

ID#	Aligned DOT strategic goal	Program objective	Applicability	Performance measure	Performance metric	Data source
P1	Climate & Sustainability.	Integrate resilience in transportation planning and programming.	Planning	Grant recipient *plans that integrate resilience to ensure alignment* with long range transportation plans (State or metropolitan).	*Number* of *grant recipient and partner plans that integrate resilience to ensure alignment* with long range transportation plans (State or metropolitan).	FHWA interviews the Grant recipient to obtain this local/self-reported data.
P2	Climate & Sustainability.	Integrate resilience in transportation planning and programming.	Planning	Grant recipient procured or utilized *tools* for resilience related planning analysis to assess hazard severity, duration, and recovery of hazard events.	*Number and type* of *tools* procured or utilized for resilience related planning analysis to assess hazard severity, duration, and recovery of hazard events.	FHWA interviews the Grant recipient to obtain this local/self-reported data.
P3	Climate & Sustainability.	Integrate resilience in transportation planning and programming.	Planning	*Public involvement processes* (*e.g.,* events or documents) where resilience and resilience related topics are discussed.	*Number and type* of *public involvement processes* (*e.g.,* events or documents) where resilience and resilience related topics are discussed.	FHWA interviews the Grant recipient to obtain this local/self-reported data.
P4	Climate & Sustainability.	Integrate resilience in transportation planning and programming.	Planning	Scenario Planning analyses that include *resilience*.	*Qualitative description* of how *resilience* has been incorporated into *scenario planning processes and analyses* and how results have been used.	FHWA interviews the Grant recipient to obtain this local/self-reported data.
P5	Climate & Sustainability.	Improve evacuation planning and emergency management preparations.	Planning	Grant recipient and partner *evacuation plans* incorporated into an agency's overall processes or policies.	*Number* of *evacuation-related plans, tools, or procedures* incorporated into Grant recipient's overall processes or policies.	FHWA interviews the Grant recipient to obtain this local/self-reported data.

b. Resilience Grants

The metrics in Table 2 will apply to the three PROTECT Discretionary Program Resilience Grant categories that fund construction: Resilience Improvement Grants, Community Resilience & Evacuation Route Grants, and At-Risk Coastal Infrastructure Grants. The FHWA will use these metrics to assess the effectiveness and impact of projects in fulfilling the statutory purpose for these three grant types, which are described below.

i. Resilience Improvement Grants

An eligible entity may use a resilience improvement grant for one or more construction activities to improve the ability of an existing surface transportation asset to withstand one or more elements of a weather event or natural disaster, or to increase the resilience of surface transportation infrastructure from the impacts of changing conditions, such as sea level rise, flooding, wildfires, extreme weather events, and other natural disasters. (23 U.S.C. 176(d)(4)(A)(ii)(I)).

ii. Community Resilience and Evacuation Route Grants

An eligible entity may use a community resilience and evacuation route grant for one or more projects that strengthen and protect evacuation routes that are essential for providing and supporting evacuations caused by emergency events. (23 U.S.C. 176(d)(4)(B)(ii)(I–III)).

iii. At-Risk Coastal Infrastructure Grants

An eligible entity may use an at-risk coastal infrastructure grant for strengthening, stabilizing, hardening, elevating, relocating, or otherwise

enhancing the resilience of highway and non-rail infrastructure, including bridges, roads, pedestrian walkways, and bicycle lanes, and associated infrastructure, such as culverts and tide gates to protect highways, that are subject to, or face increased long-term future risks of, a weather event, a natural disaster, or changing conditions, including coastal flooding, coastal erosion, wave action, storm surge, or sea level rise, in order to improve transportation and public safety and to reduce costs by avoiding larger future maintenance or rebuilding costs. (23 U.S.C. 176(d)(4)(C)(iii)).

iv. Resilience Grant Performance Metrics

Table 2 below lists proposed metrics that will be used on a subset of PROTECT Discretionary Grant Program Resilience Grant projects FHWA selects to monitor. For all selected projects, FHWA will assess vulnerability and whether the resilience improvement reduced exposure or sensitivity or increased adaptive capacity of the surface transportation asset. The FHWA will monitor progress made on each applicable program objective using the performance measures and metrics in Table 2. When collecting data on these projects, FHWA may consider how likely it is that specific hazards will occur (probability) as well as the consequences of an event occurring. Where possible, FHWA will request pre- and post- event data to help assess project effectiveness. For projects that require a baseline year measurement, FHWA will consult with the recipient to determine an appropriate baseline year to best measure effectiveness and impact.

v. Four ''R'' Components of Resilience

The FHWA proposes to evaluate the effectiveness of a representative sample of Resilience Grant projects against the ''Four R'' components of resilience: Robustness; Redundancy; Resourcefulness; and Rapidity.[4]

vi. Equity Metrics

The FHWA will collect socioeconomic data from the representative sample of Resilience Grant projects to evaluate the effectiveness and impacts of those projects on underserved and disadvantaged communities. The FHWA will identify disadvantaged communities using the Climate and Economic Justice Screening Tool, available here: *https://screeningtool.geoplatform.gov/en/,* and DOT's transportation disadvantage tool, available here: *https://www.arcgis.com/apps/dashboards/d6f90dfcc8b44525b04c7ce748a3674a__*.

vii. Metrics Specific to Certain Hazard and/or Project Types

The column titled ''applicability'' in Table 2 indicates whether a metric applies only to a specific hazard or project type. The FHWA will apply each metric on projects selected for monitoring based on project scope, applicable activities, etc. Because of the specific focus on nature-based solutions (NBS) in the PROTECT Discretionary Program, for example, some metrics are designed to only apply to projects installing NBS.

TABLE 2—PROPOSED PROTECT RESILIENCE GRANT METRICS

ID#	Aligned DOT strategic goal	Program objective	Applicability	Performance measure	Performance metric	Data source
			Equity Measures			
R1	Equity	Increase transportation system ***effectiveness and reliability*** for all users.	All selected projects.	***Disadvantaged or underserved communities*** *with improved* ***access to critical services, facilities, or evacuation routes***.	Number of people from ***disadvantaged or underserved communities*** *in the project area with improved* ***access (post construction) to critical services, facilities, or evacuation routes***.	FHWA may use the **Climate and Economic Justice Screening Tool**. In addition, FHWA may interview the Grant recipient to obtain data.
R2	Equity	Increase transportation system ***effectiveness and reliability*** for all users.	All selected projects.	***Disadvantaged or underserved communities affected by hazard-impacted*** transportation infrastructure.	Reduction in number of people from ***disadvantaged or underserved communities*** in the project area ***affected by hazard-impacted*** transportation infrastructure.	FHWA may use the **Climate and Economic Justice Screening Tool**. In addition, FHWA may interview the Grant recipient to obtain data.
			ROBUSTNESS MEASURES			
R3	Climate and Sustainability.	Improve transportation infrastructure strength and ***robustness***.	All selected projects.	Improved performance and ability of **surface transportation facilities** to withstand **changing climate conditions**.	Change in Life Cycle Cost (per facility) or (per mile) for pavement system in the project area.	FHWA conducts Life Cycle Cost Assessment (LCCA) comparison of replacement in kind vs. adaptive (resilient) design.
R4	Climate and Sustainability.	Improve transportation infrastructure strength and ***robustness***.	All selected projects.	Decrease in Annual Maintenance Costs.	Change in Projected or Actual Annual Maintenance/Repair Costs.	FHWA coordinates with the Grant recipient to obtain this local/self-reported data.
R5	*Climate & Sustainability.*	Improve transportation infrastructure strength and ***robustness***.	Flooding/ Scour.	Reduction in roadway, bridge, and culvert vulnerability to floods.	Number of **Hydraulic countermeasures, structural measures,** or **road drainage features** installed or enhanced in the project area.	FHWA reviews project design documentation submitted by the Grant recipient. Suggested references: FHWA Hydraulic Engineering Circular 22 and Hydraulic Engineering Circular 23 (Vols 1 & 2).

[4] Bruneau, M., SE Chang, R.T. Eguchi, G.C. Lee, T.D. O'Rourke, A.M. Reinhorn, M. Shinozuka, K. Tierney, W.A. Wallace, and D.V. Winterfeldt. 2003. ''A Framework to Quantitatively Assess and Enhance the Seismic Resilience of Communities.'' Earthquake Spectra 19:733–752.

TABLE 2—PROPOSED PROTECT RESILIENCE GRANT METRICS—Continued

ID#	Aligned DOT strategic goal	Program objective	Applicability	Performance measure	Performance metric	Data source
R6	*Climate & Sustainability.*	Improve transportation infrastructure strength and ***robustness***.	Flooding/ Scour.	***Reduction in roadway*** **inundation** or overtopping.	Percent change in number of coastal and other low-lying roadway **overtopping or inundation events** (due to sea level rise, tides, and other factors).	FHWA interviews the Grant recipient to obtain this local/ self-reported data.
R7	*Climate & Sustainability.*	Improve transportation infrastructure strength and ***robustness***.	Flooding/ Scour.	**Reduction in stream/river crossing vulnerability** to future projected conditions.	Number of constructed **crossings designed to accommodate future projected precipitation events** or projected changes in land use/land cover.	FHWA reviews project design documentation submitted by the Grant recipient.
R8	*Climate & Sustainability.*	Improve transportation infrastructure strength and ***robustness***.	Flooding/ Scour.	**Reduction in stream/river crossing vulnerability** to future projected conditions.	Number of **culverts installed to withstand the 100-year flood**.	FHWA reviews project design documentation submitted by the Grant recipient.
R9	*Climate & Sustainability.*	Improve transportation infrastructure strength and ***robustness***.	Geohazards	Frequency of ***slope failures***	Annual percent reduction in ***frequency of slope failures*** in project area.	FHWA coordinates with the Grant recipient to obtain this local/self-reported data. FHWA or FHWA contractor determines pre/post-project slope stability rating using relevant project plans and surveys.
R10	*Climate & Sustainability.*	Improve transportation infrastructure strength and ***robustness***.	Geohazards	***Rockfall impact incidents*** to roads and highways.	Annual percent reduction in ***rockfall impact incidents*** to roads and highways in project area.	FHWA coordinates with the Grant recipient to obtain this local/self-reported data.
R11	*Climate & Sustainability.*	Improve transportation infrastructure strength and ***robustness***.	Seismic Vulnerability.	Seismic vulnerability rating	Change in ***seismic vulnerability rating***.	FHWA completes seismic vulnerability rating analysis.
R12	*Climate & Sustainability.*	Improve transportation infrastructure strength and ***robustness***.	Projects incorporating Nature Based Solutions (Coastal).	***Erosion rate*** and ***shoreline position***.	Annual percent change in the ***erosion rate and shoreline position*** in the project area.	FHWA interviews the Grant recipient to obtain this local/ self-reported data. Possible field work required.
R13	*Climate & Sustainability.*	Improve transportation infrastructure strength and ***robustness***.	Projects incorporating Nature Based Solutions.	***Vegetation coverage***	Annual percent change in the ***vegetation coverage*** in the project area. Report in cover per square meter or number of stems per meter.	FHWA interviews the Grant recipient to obtain this local/ self-reported data. Possible field work required.
				REDUNDANCY MEASURES		
R14	*Climate & Sustainability.*	Improve transportation system ***redundancy***.	All selected projects.	***Detour lengths*** (miles)	Reduction in **detour length** (miles) because of the project.	FHWA reviews project design documentation submitted by the Grant recipient.
				RAPIDITY MEASURES		
R15	*Climate & Sustainability.*	Improve transportation system ***rapidity*** and responsiveness.	All selected projects.	***Observed closure hours for roads or facilities*** in project area.	Annual percent change in ***observed closure hours for roads or facilities*** in project area.	FHWA interviews the Grant recipient to obtain this local/ self-reported data.
R16	*Climate & Sustainability.*	Improve transportation system ***rapidity*** and responsiveness.	Evacuation Routes.	***Travel times*** before, during and after evacuation event.	Percent change ***in travel times*** before, during and after evacuation event.	FHWA will use National Performance Management Research Data Set (NPMRDS) data or equivalent.
				RESOURCEFULNESS MEASURES		
R17	*Climate & Sustainability.*	Improve transportation system ***resourcefulness***.	All selected projects.	***Equipment and sensor technology*** that support ***rapid restoration of asset or system functionality***.	Number of warning systems or sensors that were used to improve transportation system performance.	FHWA or FHWA contractor coordinates with the Grant recipient to obtain this local/ self-reported data.

The FHWA will utilize comments received on these draft metrics to develop final metrics that will be used to evaluate a representative sample of PROTECT Discretionary Grant projects. Final metrics will be posted on the FHWA PROTECT website *https://www.fhwa.dot.gov/environment/protect/discretionary/*.

Authority: 23 U.S.C. 176(f).

Shailen P. Bhatt,

Administrator, Federal Highway Administration.

[FR Doc. 2024–05934 Filed 3–20–24; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in California

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by the California Department of Transportation (Caltrans).

SUMMARY: The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans, that are final. The actions relate to a proposed highway project, on Interstate 80 between postmiles 3.9 and 5.0 and State Route 13 (Ashby Avenue) between postmiles 13.7 and 13.9, in the Cities of Emeryville and Berkeley in the County of Alameda, State of California. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before August 19, 2024. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For Caltrans: Wahida Rashid, Branch Chief, California Department of Transportation. 111 Grand Avenue, MS–8B, Oakland, California 94612. Office hours: Monday through Friday 8 a.m.–4 p.m. Contact information: *Wahida.Rashid@dot.ca.gov* and (510) 504–3139.

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, the Federal Highway Administration (FHWA) assigned, and the California Department of Transportation (Caltrans) assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that the Caltrans has taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California: The California Department of Transportation (Caltrans) District 4, in partnership with the Alameda County Transportation Commission (Alameda CTC), proposes to provide interchange and local road improvements along Interstate 80 (I–80) at the Ashby Avenue Interchange. The project will replace the existing interchange connector ramps with a new bridge over I–80, realign access to West Frontage Road, and introduce a new bicycle-pedestrian overcrossing connection over I–80 from 65th Street/Shellmound Street to the San Francisco Bay Trail. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Document (FED) and Finding of No Significant Impact (FONSI) for the project, approved on December 28, 2023, and in other documents in the project records. The FED, FONSI, and other project records are available by contacting Caltrans at the information provided above. The Caltrans FED and FONSI can be viewed and downloaded from the project website at *https://dot.ca.gov/caltrans-near-me/district-4/d4-popular-links/d4-environmental-docs.*

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. National Environmental Policy Act of 1969
2. Clean Air Act, 42 U.S.C. 7401–7671
3. Endangered Species Act of 1973 (ESA), 16 U.S.C. 1531–1544
4. Migratory Bird Treaty Act of 1918, 16 U.S.C. 703–712
5. Fish and Wildlife Coordination Act, 16 U.S.C. 661–666
6. National Historic Preservation Act of 1966 (NHPA)
7. Clean Water Act, 33 U.S.C. 1251–1387 (Sections 319, 401, and 404)
8. Executive Order 11988 Floodplain Management, Executive Order 11990 Protection of Wetlands, Executive Order 12088 Federal Compliance with Pollution Control Standards, Executive Order 12898 Federal Actions to Address Environmental Justin in Minority Populations and Low-Income Populations

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

(Authority: 23 U.S.C. 139(l)(1))

Antonio Johnson,

Director of Planning, Environmental and Right of Way, Federal Highway Administration, California Division.

[FR Doc. 2024–05973 Filed 3–20–24; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number MARAD–2023–0119]

Deepwater Port License Application: Grand Isle LNG Operating Company, LLC; Application Withdrawal

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice of application withdrawal.

SUMMARY: The Maritime Administration (MARAD) and the U.S. Coast Guard (USCG) announce the cancellation of all actions related to the processing of a license application for the proposed Grand Isle LNG Export Deepwater Port Development Project deepwater port. The action announced here also includes cancellation of all activities related to the deepwater port application review and preparation of an Environmental Impact Statement that was previously published in the **Federal Register** on Monday, July 3, 2023. The publication of this notice is in response to the applicant's decision to withdraw the application.

DATES: The cancellation of all actions related to this deepwater port license application was effective February 29, 2023.

ADDRESSES: The public docket for the Grand Isle LNG Export Deepwater Port Development Project deepwater port license application is maintained by the U.S. Department of Transportation, Docket Management Facility located at the U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590. The docket may be viewed electronically at *https://www.regulations.gov* and searching for the docket number, MARAD–2023–0119.

FOR FURTHER INFORMATION CONTACT: Contact either Mr. Brian S. Barton at the Maritime Administration via email at

Brian.Barton@dot.gov or by calling 202–366–0302, or the U.S. Coast Guard via email at *DeepwaterPorts@uscg.mil.*

SUPPLEMENTARY INFORMATION: On February 28, 2024, MARAD received notification from the applicant, Grand Isle LNG Operating Company, LLC (Grand Isle LNG), of the withdrawal of its application to own, construct, and operate a liquefied natural gas (LNG) export deepwater port facility, located approximately 11.3 nautical miles (13 statute miles, or 20.9 kilometers) offshore Plaquemines Parish, Louisiana. Consequently, MARAD has terminated all activities pertaining to Grand Isle LNG's deepwater port license application. All agency records and documents related to the Grand Isle LNG's deepwater port license application will be preserved and retained by MARAD and USCG. Further information pertaining to this application may be found in the public docket (see **ADDRESSES**).

(Authority: 33 U.S.C. 1501, *et seq.;* 49 CFR 1.93(h))

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2024–05939 Filed 3–20–24; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section for effective date(s).

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

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website (*ofac.treasury.gov*).

Notice of OFAC Action(s)

On March 11, 2024, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

Individuals

1. ABDULLAHI, Abdulkadir Omar (a.k.a. ABDILAHI, Abdi Xamiid Omar; a.k.a. OMAR, Abdullahi Abdul Kadir), Uganda; DOB 01 Jan 1962; POB Mandera, Kenya; nationality Kenya; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Passport BK042853 (Kenya) (individual) [SDGT] (Linked To: AL–SHABAAB).

Designated pursuant to section 1(a)(iii)(A) of Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism,'' 66 FR 49079, as amended by Executive Order 13886 of September 9, 2019, ''Modernizing Sanctions To Combat Terrorism,'' 84 FR 48041 (E.O. 13224, as amended), for having acted or purported to act for or on behalf of, directly or indirectly, AL–SHABAAB, a person whose property and interests in property are blocked pursuant to E.O. 13224.

2. AWALE, Mohamed Jumale Ali, Langata Royal Park Lr 19952/476, Nairobi West/P.O. Box 634–00100, Nairobi, Kenya; DOB 07 Jul 1959; alt. DOB 31 Dec 1959; alt. DOB 01 Jan 1959; POB Mombasa, Kenya; nationality Somalia; alt. nationality Kenya; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; National ID No. 5964769 (Kenya) (individual) [SDGT] (Linked To: AL–SHABAAB).

Designated pursuant to section 1(a)(iii)(A) of E.O. 13224, as amended, for having acted or purported to act for or on behalf of, directly or indirectly, AL–SHABAAB, a person whose property and interests in property are blocked pursuant to E.O. 13224.

3. DINI, Faysal Yusuf (a.k.a. DIINI, Abdiaziz Yuusuf; a.k.a. DINI, Abdulaziz Youssouf; a.k.a. DINI, Abdulaziz Yusuf; a.k.a. DINI, Cabdicasiis Yusuf; a.k.a. DINI, Feisal Yussuf; a.k.a. DINI, Feyself Yusuf; a.k.a. HILOWLE, Abdiaziz Yusuf Dini; a.k.a. HILOWLE, Cabdicasis Yusuf Diini), Madena Estate, House #4, South C, Nairobi, Kenya; Djibouti; DOB 01 Jan 1971; POB Galkayo, Somalia; nationality Somalia; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Passport 19RF00115 (Djibouti) expires 13 Nov 2022 (individual) [SDGT] (Linked To: AL–SHABAAB).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, AL–SHABAAB, a person whose property and interests in property are blocked pursuant to E.O. 13224.

4. HAYDAR, Farhan Hussein (a.k.a. HAIDER, Farhan Hussein), Somalia; South C, Monari Estate House No. 101, Nairobi, Kenya; DOB 1986; nationality Kenya; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; National ID No. 27478723 (Kenya) (individual) [SDGT] (Linked To: AL–SHABAAB).

Designated pursuant to section 1(a)(iii)(A) of E.O. 13224, as amended, for having acted or purported to act for or on behalf of, directly or indirectly, AL–SHABAAB, a person whose property and interests in property are blocked pursuant to E.O. 13224.

5. HILOWLE, Omar Sheikh Ali, Uganda; DOB 1981; nationality Somalia; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Passport P00238720 (Somalia); Tax ID No. 1010041103 (Somalia) (individual) [SDGT] (Linked To: AL–SHABAAB).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, AL–SHABAAB, a person whose property and interests in property are blocked pursuant to E.O. 13224.

6. MAHAMED, Hassan Abdirahman, Helsinki, Finland; DOB 23 May 1987; nationality Somalia; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886 (individual) [SDGT] (Linked To: HALEEL COMMODITIES L.L.C.).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or

goods or services to or in support of, HALEEL COMMODITIES L.L.C., a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

7. MOHAMED, Abdikarin Farah (a.k.a. MUHAMMAD, Abdul Karim Farge), United Arab Emirates; Somalia; DOB 13 Sep 1993; nationality Somalia; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Passport P00689508 (Somalia) (individual) [SDGT] (Linked To: AL–SHABAAB).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, AL–SHABAAB, a person whose property and interests in property are blocked pursuant to E.O. 13224.

8. ROBEL, Mohammed Artan (a.k.a. ROBLE, Mohammed Artan), United Arab Emirates; DOB 12 Jul 1964; nationality Sweden; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886 (individual) [SDGT] (Linked To: AL–SHABAAB).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, AL–SHABAAB, a person whose property and interests in property are blocked pursuant to E.O. 13224.

Entities

1. CROWN BUS SERVICES LIMITED (a.k.a. CROWN BUS SERVICES LTD), Plot LR No. 4275/67, The Office Park, Riverside Drive, Nairobi, Kenya; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Registration Number C110486 (Kenya) [SDGT] (Linked To: AWALE, Mohamed Jumale Ali).

Designated pursuant to section 1(a)(iii)(A) of E.O. 13224, as amended, for being owned, controlled, or directed by, directly or indirectly, MOHAMED JUMALE ALI AWALE, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

2. HALEEL COMMODITIES L.L.C. (a.k.a. ''HALEEL GROUP''), Office 601–A, P.O. Box 172532, Deira Twin Tower, Baniyas Road, Dubai, United Arab Emirates; Makkah Almukarramah Ave. 3, Mogadishu, Somalia; website *http://haleelcommodities.com;* alt. website *www.haleel.co;* Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Commercial Registry Number 1052074 (United Arab Emirates); Certificate of Incorporation Number SCCI/1260/19 (Somalia); License 632562 (United Arab Emirates); Chamber of Commerce Number 178704 (United Arab Emirates) [SDGT] (Linked To: AL–SHABAAB).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, AL–SHABAAB, a person whose property and interests in property are blocked pursuant to E.O. 13224.

3. HALEEL COMMODITIES LIMITED, Starehe, Starehe District, Nairobi, Kenya; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 30 Jan 2017; Trade License No. PVTAAABNC3 (Kenya) [SDGT] (Linked To: AWALE, Mohamed Jumale Ali).

Designated pursuant to section 1(a)(iii)(A) of E.O. 13224, as amended, for being owned, controlled, or directed by, directly or indirectly, MOHAMED JUMALE ALI AWALE, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

4. HALEEL COMMODITIES LTD (a.k.a. HALEEL COMMODITIES LIMITED), King Fahad Plaza, Kampala, Uganda; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 25 Apr 2016; Company Number 80010001140329/220184 (Uganda) [SDGT] (Linked To: HAYDAR, Farhan Hussein).

Designated pursuant to section 1(a)(iii)(A) of E.O. 13224, as amended, for being owned, controlled, or directed by, directly or indirectly, FARHAN HUSSEIN HAYDAR, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

5. HALEEL FINANCE LTD, Nicosia, Cyprus; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 15 Mar 2018; Registration Number HE381288 (Cyprus) [SDGT] (Linked To: HALEEL COMMODITIES L.L.C.).

Designated pursuant to section 1(a)(iii)(A) of E.O. 13224, as amended, for being owned, controlled, or directed by, directly or indirectly, HALEEL GROUP, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

6. HALEEL HOLDINGS LTD, Zena Kanther 4, Agia Triada 3035, Limassol, Cyprus; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 08 Nov 2017; Registration Number HE375900 (Cyprus) [SDGT] (Linked To: HALEEL COMMODITIES L.L.C.).

Designated pursuant to section 1(a)(iii)(A) of E.O. 13224, as amended, for being owned, controlled, or directed by, directly or indirectly, HALEEL GROUP, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

7. HALEEL LTD, Zena Kanther 4, Agia Triada 3035, Limassol, Cyprus; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 18 Aug 2017; Registration Number HE372894 (Cyprus) [SDGT] (Linked To: HALEEL COMMODITIES L.L.C.).

Designated pursuant to section 1(a)(iii)(A) of E.O. 13224, as amended, for being owned, controlled, or directed by, directly or indirectly, HALEEL GROUP, a person whose property and interests in property are blocked pursuant to E.O. 13224, as amended.

8. QEMAT AL NAJAH GENERAL TRADING L.L.C (a.k.a. QEMAT AL NAJAH GENERAL TRADING LTD; a.k.a. QEMAT ALNAJAH GENERAL TRADING LLC; a.k.a. QEMAT AL–NAJAH GENERAL TRADING LLC; a.k.a. QEMATAL NAJAH GENERAL TRADING LLC), Baniyas Square Road, Deira, Dubai, United Arab Emirates; Dubai Towers, 8, 14 Road, 8 Floor, Office 805, Al Rigga, P.O. Box 95871, Dubai, United Arab Emirates; Al Maktoum Road, Baniyas Square, Dubai Tower, Deira, Dubai, United Arab Emirates; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Organization Established Date 03 Apr 2012; Organization Type: Non-specialized wholesale trade; Commercial Registry Number 1096167 (United Arab Emirates); License 668354 (United Arab Emirates); Chamber of Commerce Number 203853 (United Arab Emirates) [SDGT] (Linked To: AL–SHABAAB).

Designated pursuant to section 1(a)(iii)(A) of E.O. 13224, as amended, for having acted or purported to act for or on behalf of, directly or indirectly, AL–SHABAAB, a person whose property and interests in property are blocked pursuant to E.O. 13224.

Dated: March 11, 2024.

Bradley T. Smith,

Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2024–05953 Filed 3–20–24; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0881]

Agency Information Collection Activity: Lay/Witness Statement

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before May 20, 2024.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0881'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 810 Vermont Ave. NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0881'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: 38 U.S.C. 501, 5103, and 5101(a), 38 CFR 3.159 and 3.303.

Title: Lay/Witness Statement (VA Form 21–10210).

OMB Control Number: 2900–0881.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 21–10210 is used by the claimant to gather lay or witness statements that support an existing claim for benefits/services. Without this information, VA may not be able to efficiently and successfully process claims that may require additional statements associated with a claim for benefits/services. No changes have been made to this form. The respondent burden has decreased due to the estimated number of receivables averaged over the past year.

Affected Public: Individuals or households.

Estimated Annual Burden: 10,767 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 64,603 per year.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2024–06021 Filed 3–20–24; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0405]

Agency Information Collection Activity Under OMB Review: REPS Annual Eligibility Report; (REPS—Restored Entitlement Program for Survivors)

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Refer to ''OMB Control No. 2900–0405''.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 810 Vermont Ave. NW, Washington, DC 20420, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0405'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 38 U.S.C 5101.

Title: REPS Annual Eligibility Report—REPS, 21P–8941.

OMB Control Number: 2900–0405.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 21P–8941 is primarily used to gather the necessary information to determine a claimant's continued eligibility for REPS benefits. The information on the form is necessary when a claimant has an income that is at, or near, the allowable limit for income. The form is returned by mail or in person to certify REPS eligibility requirements. Once the form is received, claim processors review the information provided and assess whether the claimant is eligible for REP benefits. Without this information, determination of continued entitlement would not be possible. This is an extension with no substantive changes to the form. There has been no burden change since the last approval.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection

of information was published at 89 FR 3023 on Wednesday, January 19, 2024.

Affected Public: Individuals or households.

Estimated Annual Burden: 300 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 1,200.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2024–06018 Filed 3–20–24; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0075]

Agency Information Collection Activity: Statement in Support of Claim

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before May 20, 2024.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0075'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 810 Vermont Ave. NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0075'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: 38 U.S.C. 501, 38 CFR 3.150.

Title: Statement in Support of Claim (VA Form 21–4138).

OMB Control Number: 2900–0075.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 21–4138 is used to provide self-certified statements in support of various types of claims processed by VA. Statements submitted by or on behalf of a claimant should contain certification by the respondent that the information provided is true and correct. This form facilitates claims processing by providing a uniform format for the certification statement. No changes have been made to this form. The respondent burden has increased due to the estimated number of receivables averaged over the past year.

Affected Public: Individuals or households.

Estimated Annual Burden: 317,265 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 1,269,058 per year.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2024–06019 Filed 3–20–24; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0404]

Agency Information Collection Activity: Veteran's Application for Increased Compensation Based on Unemployability

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before May 20, 2024.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0404'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 810 Vermont Ave. NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0404'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility;

(2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: 38 U.S.C. 1163, 38 CFR 3.340, 3.341, and 4.16.

Title: Veteran's Application for Increased Compensation Based on Unemployability (VA Form 21–8940).

OMB Control Number: 2900–0404.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 21–8940 is used by veterans to apply for increased VA disability compensation based on the inability to secure or follow a substantially gainful occupation due to service-connected disabilities. Without this information, entitlement to individual unemployability benefits could not be determined. No changes have been made to this form. The respondent burden has increased due to the estimated number of receivables averaged over the past year.

Affected Public: Individuals or households.

Estimated Annual Burden: 50,558 hours.

Estimated Average Burden per Respondent: 45 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 67,411 per year.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2024–06023 Filed 3–20–24; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0654]

Agency Information Collection Activity: Annual Certification of Veteran Status and Veteran-Relatives

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before May 20, 2024.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0654'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 810 Vermont Ave. NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0654'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: 5 U.S.C. 552a(e)(10).

Title: Annual Certification of Veteran Status and Veteran-Relatives (VA Form 20–0344).

OMB Control Number: 2900–0654.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 20–0344 is necessary to ensure that benefit records of employees and employees' relatives are properly maintained in accordance with VA policy. Without the information provided on this form, VA would be unable to determine which benefit records require special handling to guard against fraud, conflict of interest, improper influence etc. by VA and non-VA employees. No changes have been made to this form. The respondent burden has decreased due to the estimated number of receivables averaged over the past year.

Affected Public: Individuals or households.

Estimated Annual Burden: 5,640 hours.

Estimated Average Burden per Respondent: 25 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 13,534 per year.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2024–06022 Filed 3–20–24; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0212]

Agency Information Collection Activity: Veterans Mortgage Life Insurance Statement

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before May 20, 2024.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to

Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0212'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 810 Vermont Ave. NW, Washington, DC 20006, (202) 266–4688 or email *maribel.aponte@va.gov.* Please refer to ''OMB Control No. 2900–0212'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: Public Law 104–13; 44 U.S.C. 3501–3521.

Title: Veterans Mortgage Life Insurance Statement (VA Form 29–8636).

OMB Control Number: 2900–0212.

Type of Review: Extension of a currently approved collection.

Abstract: This form is used by veterans who have received Specially Adapted Housing Grants to decline Veterans Mortgage Life Insurance (VMLI) or to provide information upon which the insurance premium can be based. The information requested is authorized by law, 38 U.S.C. 2106.

Affected Public: Individuals and households.

Estimated Annual Burden: 250 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 1,000.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2024–06020 Filed 3–20–24; 8:45 am]

BILLING CODE 8320–01–P

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