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Presidential Documents

Title 3—

The President

Executive Order 14122 of April 12, 2024

COVID–19 and Public Health Preparedness and Response

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*. The Office of Pandemic Preparedness and Response Policy (OPPR), established by the Congress in December 2022 under section 2104 of Public Law 117–328, is playing a critical role in the Federal Government's pandemic preparedness efforts. The OPPR is providing advice, within the Executive Office of the President, on policy related to preparedness for, and response to, pandemic and other biological threats that may impact national security. The OPPR is also supporting my Administration's continued work to address COVID–19 and other public health threats, facilitating coordination and communication among executive departments and agencies to ensure that the United States can quickly detect, identify, and respond to such threats as necessary. At this stage of my Administration's response to COVID–19, I have determined that certain Executive Orders are no longer necessary and that certain roles and responsibilities established by other Executive Orders related to COVID–19 should be transferred to the OPPR.

Sec. 2. *Revocations*. Executive Order 13910 of March 23, 2020 (Preventing Hoarding of Health and Medical Resources to Respond to the Spread of COVID–19), Executive Order 13991 of January 20, 2021 (Protecting the Federal Workforce and Requiring Mask-Wearing), and Executive Order 13998 of January 21, 2021 (Promoting COVID–19 Safety in Domestic and International Travel), are hereby revoked.

Sec. 3. *Transfer of Responsibilities*. Responsibilities and duties of the Coordinator of the COVID–19 Response and Counselor to the President (COVID–19 Response Coordinator), including responsibilities and duties specified in Executive Order 13987 of January 20, 2021 (Organizing and Mobilizing the United States Government to Provide a Unified and Effective Response to Combat COVID–19 and to Provide United States Leadership on Global Health and Security), Executive Order 13994 of January 21, 2021 (Ensuring a Data-Driven Response to COVID–19 and Future High-Consequence Public Health Threats), and Executive Order 13996 of January 21, 2021 (Establishing the COVID–19 Pandemic Testing Board and Ensuring a Sustainable Public Health Workforce for COVID–19 and Other Biological Threats), are transferred to the Director of the OPPR. The positions of COVID–19 Response Coordinator and Deputy Coordinator of the COVID–19 Response, as established by section 2 of Executive Order 13987, are hereby terminated.

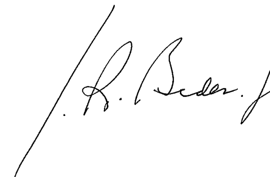
Sec. 4. *General Provisions*. (a) Nothing in this order shall be construed to impair or otherwise affect:

(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,
April 12, 2024.

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Rules and Regulations

Federal Register

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CONSUMER FINANCIAL PROTECTION BUREAU

12 CFR Part X

Consumer Financial Protection Circular 2024–02: Deceptive Marketing Practices About the Speed or Cost of Sending a Remittance Transfer

AGENCY: Consumer Financial Protection Bureau.

ACTION: Consumer financial protection circular.

SUMMARY: The Consumer Financial Protection Bureau (Bureau or CFPB) has issued Consumer Financial Protection Circular 2024–02, titled, ''Deceptive Marketing Practices About the Speed or Cost of Sending a Remittance Transfer.'' In this circular, the Bureau responds to the question, ''When do remittance transfer providers violate the prohibition on deceptive acts or practices in the Consumer Financial Protection Act (CFPA) in their marketing about the speed and cost of sending a remittance transfer?''

DATES: The Bureau released this circular on its website on March 27, 2024.

ADDRESSES: Enforcers, and the broader public, can provide feedback and comments to *Circulars@cfpb.gov.*

FOR FURTHER INFORMATION CONTACT: George Karithanom, Regulatory Implementation & Guidance Program Analyst, Office of Regulations, at 202–435–7700 or at: *https://reginquiries.consumerfinance.gov/.* If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION:

Question Presented

When do remittance transfer providers violate the prohibition on deceptive acts or practices in the Consumer Financial Protection Act (CFPA) in their marketing about the speed and cost of sending a remittance transfer?

Response

Remittance transfer providers may be liable under the CFPA for deceptive marketing about the speed or cost of sending a remittance transfer. Providers may be liable under the CFPA for deceptive marketing practices regardless of whether the provider is in compliance with the disclosure requirements of the Remittance Rule. For example, among other things, it may be deceptive to:

- Market remittance transfers as being delivered within a certain time frame, when transfers actually take longer to be made available to recipients;
- Market remittance transfers as ''no fee'' when in fact the provider charges fees;
- Market promotional fees or promotional exchange rates for remittance transfers without sufficiently clarifying when an offer is temporary or limited;
- Market remittance transfers as ''free'' if they are not in fact free.

Background

Remittance Transfer Speed and Costs

Pursuant to the CFPB's Remittance Rule,[1] the term ''remittance transfer'' includes most electronic transfers of funds sent by consumers in the United States to recipients in other countries. Consumers in the United States send hundreds of billions of dollars in remittance transfers to recipients in foreign countries each year.[2] Remittance transfers are often consumer-to-consumer transfers of money by immigrants sending financial support to family and friends in other countries. They also include other types of transfers, such as transfers by consumers in the United States to Americans living temporarily abroad, such as students. Consumers may send remittance transfers regularly as an ongoing source of financial assistance or in other circumstances, such as an occasional or emergency form of support. Remittance transfers also include cross-border consumer-to-business payments for goods or services.

Consumers may choose among a range of bank, credit union, and non-bank money transmitters when sending a remittance transfer. Non-bank money transmitters have traditionally dominated the market for remittance transfers from the United States. In recent years, new money transmitters have emerged offering digital remittance transfer services. Many established money transmitters have also added digital services, in addition to in-person options for consumers to go to a store or agent to send remittance transfers.[3]

When sending remittance transfers, consumers may consider a number of key factors when deciding among different providers, including the speed of the transfer and its cost as well as convenience, security, reliability, and trust.[4]

The speed of a remittance transfer varies depending on the type of transfer and provider. The World Bank Remittance Prices Worldwide database illustrates that a range of transfer speeds can exist within a given remittance corridor, with some providers, for example, offering delivery in less than an hour, and others offering delivery in three to five days.[5]

Costs can also vary significantly within a remittance corridor. Remittance transfer costs include fees charged by the remittance transfer provider including, if applicable, their agents and third parties. Costs also include any exchange rate costs applied by the provider to the currency conversion and governmental taxes. The exchange rate offered to consumers

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[1] Reg. E, 12 CFR part 1005 *et seq.*

[2] CFPB, *Remittance Rule Assessment Report,* at 7 (Revised Apr. 24, 2019), *https://files.consumerfinance.gov/f/documents/bcfp_remittance-rule-assessment_report_corrected_2019-03.pdf.*

[3] *See* Daivi Rodima-Taylor, *The Uneven Path Toward Cheaper Digital Remittances,* Migration Information Source (June 22, 2023), *https://www.migrationpolicy.org/article/cheaper-digital-remittances;* Daniel Webber, *Remittances' Shift to Digital: Driving Change in an Industry Split Between Yesterday and Tomorrow,* Forbes (Mar. 21, 2023), *https://www.forbes.com/sites/danielwebber/2023/03/21/remittances-shift-to-digital-driving-change-in-an-industry-split-between-yesterday-and-tomorrow/?sh=77f07495341.*

[4] *See* 2012 Final Rule, 77 FR 6194, 6199 (Feb. 7, 2012). *See also* Annette LoVoi, *Sending Money: The Path Forward,* Appleseed, at 12 (May 2016), *http://www.ctappleseed.org/wp-content/uploads/2016/04/Immigrant-Finances-Final-Appleseed-Report-on-Remittance-Use-Sending-Money-Home-5.26.16.pdf;* ICF Macro, *Summary of Findings: Design and Testing of Remittance Disclosures,* Report to the Board of Governors of the Federal Reserve System, at 2–4 (Apr. 20, 2011), *https://www.federalreserve.gov/econresdata/bcreg20110512_ICF_Report_Remittance_Disclosures_(FINAL).pdf.*

[5] *See* The World Bank, *Remittance Prices Worldwide: Making Markets More Transparent, https://remittanceprices.worldbank.org/* The database also reflects that a range of costs exist for sending a remittance transfer in a given corridor.

often reflects a spread—meaning, a percentage difference between the retail exchange rate offered to the consumer and some wholesale exchange rate.[6] Remittance transfer providers utilize different pricing strategies when determining the fees and exchange rate they charge to consumers for remittance transfers.

Transparency Concerns Around Remittance Transfer Speed and Costs

Prior to the passage of the Dodd-Frank Wall Street Reform and Consumer Financial Protection Act (Dodd-Frank Act), Federal consumer protection laws generally did not apply to remittances, and remittance transfer providers were not consistently required to disclose applicable fees, exchange rates, transfer speeds, and the amount to be received in a transaction. Consumers thus did not always know how much money would be received on the other end and were not able to easily comparison shop among providers.

With the Dodd-Frank Act's amendments to the Electronic Fund Transfer Act and the promulgation of the Remittance Rule, remittance transfer providers are now generally required to disclose certain information to consumers before the consumer pays for a transfer and also when payment is made.[7] Before the consumer pays for a transfer, the information a remittance transfer provider must disclose includes (but is not limited to): as applicable, the amount that will be transferred to the designated recipient in the currency in which the remittance transfer is funded; any fees imposed and any taxes collected on the remittance transfer; the total amount of the transaction, which is the sum of the amount that will be transferred and any fees imposed and any taxes collected, in the funding currency; the exchange rate used by the provider for the remittance transfer; any covered third-party fees; and the amount that will be received by the designated recipient in the currency in which the funds will be received. The receipt that consumers generally receive when payment is made must contain the same information. In addition, the receipt must disclose the date in the foreign country on which funds will be available to the designated recipient.

Compliance with the Remittance Rule disclosure requirements does not obviate the obligation to refrain from misleading marketing practices. In particular, remittance transfer providers must ensure their marketing practices do not violate the prohibition of unfair, deceptive, or abusive acts or practices in the CFPA.[8]

The CFPB has identified problems with transparency and accuracy in marketing practices about the speed of a remittance transfer in its supervision of remittance transfer providers and enforcement of the CFPA's prohibition against deceptive acts or practices. In the CFPB's Spring 2022 Supervisory Highlights, the CFPB discussed examiners' findings that remittance transfer providers made false and misleading representations about the speed of remittance transfers.[9] In October 2023, the CFPB issued a consent order against Chime Inc., d/b/a Sendwave, finding that the remittance transfer provider made misleading statements in advertisements about the speed and cost of its services, in violation of the CFPA's prohibition on deceptive acts or practices.[10] This provider claimed in social media marketing that remittance transfers would be delivered ''instantly,'' in ''30 seconds'' or ''within seconds,'' and would incur ''no fees,'' when in fact transfers often took much longer, and the provider charged a fee.[11]

In addition, consumers have reported, and the CFPB has observed, problems with price transparency in the marketing practices of remittance transfer providers, resulting in consumers encountering unexpected costs.[12] The CFPB has received consumer complaints about promotional pricing by remittance transfer providers who do not sufficiently inform consumers that the advertised fee or exchange rate is only a limited scope or temporary offer. The CFPB has also observed marketing claims by remittance transfer providers that may mislead consumers about the scope or duration of a temporary low or ''no fee'' offer or promotional exchange rate.

The CFPB has also received consumer complaints about marketing that omits or obscures the cost of a remittance transfer. Marketing claims by remittance transfer providers may fail to communicate the full cost of a remittance transfer, such as advertising that transfers are ''free'' or advertising that prominently emphasizes zero fees while only including a vaguely worded statement that additional costs related to the exchange rate may apply. Some of these statements use technical jargon or feature confusing language.

The CFPB has also received consumer complaints about companies that market ''free'' remittance transfers through digital wallet and other prepaid products, but that fail to sufficiently disclose costs for currency conversion or for withdrawing funds from the product. Companies that offer remittance transfers through digital wallets and other prepaid products often market them as a faster and cheaper way to send remittance transfers. Certain companies' websites market ''free account-to-account transfers'' or that ''receiving money from a friend'' is free. Providers may disclose only in fine print, however, that these transfers are only free when there is no currency conversion, and that for the recipient to withdraw and use funds in their local currency, they must pay a currency conversion fee. In addition, some digital wallet providers may not make clear that recipients of a remittance transfer must pay a fee to withdraw funds from the digital wallet or other prepaid product. Examples of such fees include fees to transfer funds to an external bank account, credit card, or prepaid card. Consumers have complained to the CFPB that these fees are unexpected when they convert currencies and withdraw funds

[6] *See* 2012 Final Rule, 77 FR 6194 at 6196 (discussing the exchange rate as a component of cost). *See also* CFPB, *Report on Remittance Transfers,* at 12–13 (July 20, 2011), *https://www.consumerfinance.gov/wp-content/uploads/2011/07/Report_20110720_RemittanceTransfers.pdf* (discussing the ''well-recognized'' concept of exchange rate spread in the remittance transfer industry).

[7] Reg. E, 12 CFR 1005.31.

[8] 12 U.S.C. 5531. The CFPB has taken public action against multiple remittance transfer providers to enforce various provisions of the CFPA and the Remittance Rule. *See Chime, Inc. d/b/a Sendwave,* No. 2023–CFPB–0012 (CFPB filed Oct. 17, 2023); *Servicio UniTeller, Inc.,* No. 2022–CFPB–0012 (CFPB filed Dec. 22, 2022); *Choice Money Transfer, Inc. d/b/a Small World Money Transfer,* No. 2022–CFPB–0009 (CFPB filed Oct. 4, 2022); *CFPB* v. *MoneyGram International, Inc.,* No. 22–cv–3256 (S.D.N.Y. filed Apr. 21, 2022) (pending); *Envios de Valores la Nacional Corp.,* No. 2020–BCFP–0025 (CFPB filed Dec. 21, 2020); *Sigue Corporation, et al.,* No 2020–BCFP–0011 (CFPB filed Aug. 31, 2020); *Trans-Fast Remittance LLC, also doing business as New York Bay Remittance,* No. 2020–BCFP–0010 (CFPB filed Aug. 31, 2020); *Maxitransfers Corp.,* No. 2019–BCFP–0008 (CFPB filed Aug. 27, 2019).

[9] CFPB, Supervisory Highlights, 87 FR 26727, 26734 (May 5, 2022).

[10] *Chime, Inc. d/b/a Sendwave,* No. 2023–CFPB–0012 (Oct. 17, 2023) (consent order).

[11] *Id.* at 8. The CFPB also found deceptive acts or practices in actions against Trans-Fast Remittances LLC and Maxitransfers Corp. *See Trans-Fast Remittance LLC, also doing business as New York Bay Remittance,* No. 2020–BCFP–0010 (CFPB filed Aug. 31, 2020) (consent order); *Maxitransfers Corp.,* No. 2019–BCFP–0008 (CFPB filed Aug. 27, 2019) (consent order).

[12] *See, e.g.,* Consumer Complaint 7007332, *https://www.consumerfinance.gov/data-research/consumer-complaints/search/detail/7007332;* Consumer Complaint 6845292, *https://www.consumerfinance.gov/data-research/consumer-complaints/search/detail/6845292;* Consumer Complaint 1972064, *https://www.consumerfinance.gov/data-research/consumer-complaints/search/detail/1972064.*

transmitted through digital wallets and other prepaid products.[13]

Analysis

Under the CFPA, it is unlawful for a provider of consumer financial products or services to engage in deceptive acts or practices.[14] A representation, omission, act, or practice is deceptive if it misleads or is likely to mislead the consumer; the consumer's interpretation is reasonable under the circumstances; and the misleading representation, omission, act, or practice is material.[15]

It is deceptive to market remittance transfers as being delivered within a certain time frame, when transfers actually take longer to be made available to recipients.

Remittance transfer providers violate the CFPA's prohibition on deceptive acts or practices if they market remittance transfers as being delivered within a certain time frame, when transfers actually take longer to reach recipients. The CFPB "presumes that express claims are material." [16] Furthermore, as noted above, the speed of a remittance transfer is often a crucial consideration for consumers sending remittance transfers.[17] Recipients may rely on remittance transfers for day-to-day expenses or for time-sensitive emergencies.

As illustrated in the CFPB's action against Chime Inc., d/b/a Sendwave, marketing claims about the speed of remittance transfers may violate the prohibition on deceptive acts or practices under the CFPA when the actual time for delivery is longer than advertised.

In the Sendwave case, the provider told consumers that transfers would be delivered "instantly," "in 30 seconds," or "within seconds." These statements were false and misleading because, although a reasonable customer might expect delivery within the time frame advertised, in many instances, transfers were not actually delivered instantly or within seconds for many consumers.[18] In addition, as an express marketing statement regarding a central characteristic of the product—when funds would be available to a recipient—the misleading representation was material.[19]

Providers must thus take care not to engage in deceptive acts or practices in their marketing claims about the speed of a remittance transfer.

It is deceptive to market transfers as "no fee" when in fact the remittance transfer provider charges consumers fees to send the remittance transfer.

Remittance transfer providers violate the CFPA's prohibition on deceptive acts or practices if they market remittance transfers as having "no fee," when in fact the remittance transfer provider charges consumers fees to send the remittance transfer. The cost of sending a remittance transfer is a central consideration for consumers,[20] and, as discussed above, fees are an important component of the cost of a remittance transfer.[21] Expressly misleading price claims violate the prohibition on deceptive practices.[22]

For example, as alleged in the CFPB's action against Chime Inc., d/b/a Sendwave, from at least 2021 to 2022, Sendwave's website advertised that consumers could transfer funds from the United States to Nigeria "with no fees." In fact, consumers were charged fees on all transfers from the United States to Nigeria, despite Sendwave continuing to promote its product as having "no fees" on its website with no qualification or disclaimer.[23]

The CFPB found that Sendwave's representations were likely to mislead the consumer and that the consumer's interpretation would be reasonable under the circumstances. Although Sendwave disclosed a 1 percent transfer fee in the FAQ section of its website, this did not correct the misleading statement or communication made at the top of its web page and on a graphic depicting its mobile app.[24] And as an express marketing statement regarding a central consideration for consumers when sending a remittance transfer—cost —, the misleading representation about transfer fees was material.[25]

It may be deceptive to market promotional fees or promotional exchange rates for remittance transfers without sufficiently clarifying when the offer is only limited or temporary.

Remittance transfer providers may violate the CFPA's prohibition on deceptive acts or practices by advertising promotional pricing for remittance transfers without sufficiently clarifying that the offer is only limited or temporary in scope, even if the promotional nature of the offer is disclosed in fine print or later in the transaction.[26] In such cases, consumers may not understand the pricing is limited and promotional and they may not understand that the cost of sending a remittance transfer through the provider rises after the first or first few transactions.

As the CFPB has articulated, consumers may be reasonably misled when financial service providers fail to clearly and conspicuously disclose material terms in advertising, such as when and by how much charges will increase.[27] Written disclosures or fine print in marketing materials would often be insufficient to correct a misleading statement or representation in marketing communications.[28] When a consumer's first contact with a remittance transfer provider involves deception, "the law may be violated

[13] *See, e.g.,* Consumer Complaint 2994206, *https://www.consumerfinance.gov/data-research/consumer-complaints/search/detail/2994206.*

[14] 12 U.S.C. 5531, 5536.

[15] *See* FTC *Policy Statement on Deception* (Oct. 14, 1983), *https://www.ftc.gov/system/files/documents/public_statements/410531/831014deceptionstmt.pdf.*

[16] *See id.*

[17] *See* 2012 Final Rule, 77 FR 6194 at 6199.

[18] *Chime, Inc. d/b/a Sendwave,* No. 2023–CFPB–0012, at 8–9 (Oct. 17, 2023) (consent order).

[19] *See* FTC, *Policy Statement on Deception* (Oct. 14, 1983).

[20] *See* Kangni Kpodar, Patrick Amir Imam, *How Do Transaction Costs Influence Remittances?* World Development Vol. 177 (May 2024), *https://doi.org/10.1016/j.worlddev.2024.106537.*

[21] *See* 2012 Final Rule, 77 FR 6194 at 6199.

[22] *See* FTC, *Policy Statement on Deception* (Oct. 14, 1983).

[23] *Chime, Inc. d/b/a Sendwave,* No. 2023–CFPB–0012, at 8 (Oct. 17, 2023) (consent order).

[24] *See FTC* v. *Davison Assocs., Inc.,* 431 F. Supp. 2d 548, 560 (W.D. Pa. 2006) ("Disclaimers or curative language must be 'sufficiently prominent and unambiguous' such that the overall net-impression of the communication becomes non-deceptive."); *FTC* v. *Roca Labs, Inc.,* 345 F. Supp. 3d 1375, 1392 (M.D. Fla. 2018) ("Defendants cannot avoid liability by exclusively advertising that the product costs $480 without any caveats and then burying the conditions of the discount in a separate disclaimer.").

[25] *See* FTC, *Policy Statement on Deception* (Oct. 14, 1983).

[26] *See FTC* v. *Davison Assocs.,* 431 F. Supp. 2d 548 at 560 ("Disclaimers or curative language must be 'sufficiently prominent and unambiguous' such that the overall net-impression of the communication becomes non-deceptive.").

[27] CFPB, *Consumer Financial Protection Circular 2023–01: Unlawful negative option marketing practices* (Jan. 19, 2023), *https://www.consumerfinance.gov/compliance/circulars/consumer-financial-protection-circular-2023-01-unlawful-negative-option-marketing-practices/.*

[28] FTC, *Policy Statement on Deception* (Oct. 14, 1983). *See also In re Intuit, Inc.,* No. 9408, at 43 (FTC Opinion, Jan. 19, 2024) ("Disclaimers or qualifications are not adequate to avoid liability 'unless they are sufficiently prominent and unambiguous to change the apparent meaning of the claims and to leave an accurate impression. Anything less is only likely to cause confusion by creating contradictory double meanings.'") (quoting *Removatron Int'l Corp.* v. *FTC,* 884 F.2d 1489, 1497 (1st Cir. 1989)); *FTC* v. *Davison Assocs.,* 431 F. Supp. 2d 548 at 560 ("Disclaimers or curative language must be 'sufficiently prominent and unambiguous' such that the overall net-impression of the communication becomes non-deceptive."); *FTC* v. *Roca Labs,* 345 F. Supp. 3d 1375 at 1392 ("Defendants cannot avoid liability by exclusively advertising that the product costs $480 without any caveats and then burying the conditions of the discount in a separate disclaimer.").

even if the truth is subsequently made known'' to the consumer.[29]

Representations in advertising about ''no fee'' remittance transfers or specific promotional exchange rates without sufficiently clarifying, when applicable, that the offer is only limited or temporary in scope are presumed to be material, as they relate to cost, a key consumer consideration.

In addition, such statements are likely to be material because of their likely impact on a consumer's initial and subsequent choice of remittance transfer provider. The impact could be particularly significant for promotions offered to first-time customers who seek to continue using the provider to send remittance transfers. Such consumers may face unexpected higher costs after the expiration of the promotion and may also face unexpected hurdles in searching for a different provider. Had they been aware of the limited promotional nature of the offer, a reasonable consumer may have chosen a different provider.

It is deceptive to market remittance transfers as ''free'' if they are not in fact free.

Remittance transfer providers would also violate the CFPA's prohibition on deceptive acts or practices by marketing remittance transfers as ''free'' if they are not actually free for the consumer. For example, it may be deceptive to market a remittance transfer as ''free'' if the remittance transfer provider is imposing costs on consumers through the exchange rate spread for the transfer or, with respect to digital wallets or other prepaid products, if the provider imposes costs to convert funds into a different currency or to withdraw funds from the product.

The FTC has articulated that, under the FTC Act, offers of ''free'' services ''must be made with extreme care so as to avoid any possibility that consumers will be misled or deceived.'' [30] ''The word 'free' is a lure. It is the bait. It is a powerful magnet that draws the best of us against our will 'to get something for nothing.' '' *Book-of-the-Month Club, Inc.,* 48 F.T.C. 1297, 1312 (1952), *aff'd,* 202 F.2d 486 (2d Cir. 1953).

A consumer should generally expect that a ''free'' product or service is indeed free, and that the seller ''will not directly and immediately recover, in whole or in part, the cost of [] the service.'' [31] The FTC has explained that terms, conditions, and obligations that apply to a ''free'' item should be set forth clearly, conspicuously, and in close conjunction with the offer of the ''free'' item, and they should further be made clear at the outset of the offer ''so as to leave no reasonable probability that the terms of the offer might be misunderstood.'' [32] The same analysis applies to the use of terms that are similar to ''free,'' such as ''gift'' or ''given without charge.'' [33]

The FTC has recently reiterated that representations of ''free'' in marketing are deceptive when the offer is not in fact free or when limitations, restrictions, or hidden charges are inadequately disclosed, such that the claim is likely to mislead a reasonable consumer about information important to them when choosing a product.[34] As applied here, marketing representations of remittance transfers as free are deceptive under the CFPA if they are not actually free or when limitations, restrictions, or hidden charges are inadequately disclosed.

Marketing a remittance transfer as ''free'' is likely to cause a reasonable consumer to believe they are sending a remittance transfer without the provider imposing a cost to the consumer. Such interpretation would be incorrect—but reasonable—in instances where the remittance transfer provider is imposing costs through the exchange rate spread for the transfer. In this situation, a remittance transfer provider's claim that the transfer is ''free'' would be false and thus likely to be deceptive because there was a cost imposed on the transfer through the exchange rate spread.[35]

Remittance transfer providers should also be aware of the risk of deception when marketing ''free'' remittance transfers for digital wallets or other prepaid products. A claim that remittance transfers are ''free'' may be misleading if the provider in fact imposes costs for recipients to convert funds into a different currency or to withdraw funds from the product. In these circumstances, marketing ''free'' transfers may constitute a misrepresentation of the terms for the remittance transfer provider's services that may mislead a reasonable consumer, even with subsequent disclosure of such fees.

About Consumer Financial Protection Circulars

Consumer Financial Protection Circulars are issued to all parties with authority to enforce Federal consumer financial law. The CFPB is the principal Federal regulator responsible for administering Federal consumer financial law, *see* 12 U.S.C. 5511, including the Consumer Financial Protection Act's prohibition on unfair, deceptive, and abusive acts or practices, 12 U.S.C. 5536(a)(1)(B), and 18 other ''enumerated consumer laws,'' 12 U.S.C. 5481(12). However, these laws are also enforced by State attorneys general and State regulators, 12 U.S.C. 5552, and prudential regulators including the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the National Credit Union Administration. *See, e.g.,* 12 U.S.C. 5516(d), 5581(c)(2) (exclusive enforcement authority for banks and credit unions with $10 billion or less in assets). Some Federal consumer financial laws are also enforceable by other Federal agencies, including the Department of Justice and the Federal Trade Commission, the Farm Credit Administration, the Department of Transportation, and the Department of Agriculture. In addition, some of these laws provide for private enforcement.

Consumer Financial Protection Circulars are intended to promote consistency in approach across the various enforcement agencies and parties, pursuant to the CFPB's statutory objective to ensure Federal consumer financial law is enforced consistently. 12 U.S.C. 5511(b)(4).

[29] FTC, *Policy Statement on Deception* (Oct. 14, 1983).

[30] FTC, Guide Concerning the Use of the Word ''Free'' and Similar Representations, 16 CFR 251.1(a)(2).

[31] 16 CFR 251.1(b).

[32] 16 CFR 251.1(c). *See also In re Intuit, Inc.,* No. 9408, at 36–52 (FTC Opinion, Jan. 19, 2024); Lesley Fair, *Full Disclosure,* FTC Business Blog (Sept. 23, 2014), *https://www.ftc.gov/business-guidance/blog/2014/09/full-disclosure* (describing the FTC's ''4Ps''—prominence, presentation, placement, and proximity—four key considerations to help business ensure their advertisements are clear and conspicuous).

[33] 16 CFR 251.1(i) (applying same deception analysis to terms similar to ''free,'' such as ''gift,'' ''given without charge,'' or ''other words or terms which tend to convey the impression to the consuming public than an article of merchandise or service is ''Free'').

[34] *See In re Intuit, Inc.,* No. 9408 (FTC Opinion, Jan. 19, 2024). The FTC regularly brings cases against companies for ''inadequate disclosures of hidden charges in ostensibly 'free' offers and other products or services.'' FTC, *Enforcement Policy Statement Regarding Negative Option Marketing,* 86 FR 60822, 60823 (Nov. 11, 2021). Both the CFPB and the FTC have also taken action against companies that advertised ''free'' products and services and deceptively enrolled consumers in a negative option plan. *Cf. Equifax Inc. and Equifax Consumer Services LLC,* No. 2017–CFPB–0001 (filed Jan. 3, 2017) (consent order); *Transunion Interactive, Inc. et al.,* No. 2017–CFPB–0002 (filed Jan. 3, 2017) (consent order); *FTC* v. *Health Formulas, LLC,* No. 2:14–cv–01649 (D. Nev. 2016); *FTC* v. *Complete Weightloss Center,* No. 1:08–cv–00053 (D.N.D. 2008).

[35] *See In re Intuit, Inc.,* No. 9408, at 46 (FTC Opinion, Jan. 19, 2024) (finding liability for false misrepresentations about ''free'' services where it was false ⅔ of the time).

Consumer Financial Protection Circulars are also intended to provide transparency to partner agencies regarding the CFPB's intended approach when cooperating in enforcement actions. *See, e.g.,* 12 U.S.C. 5552(b) (consultation with CFPB by State attorneys general and regulators); 12 U.S.C. 5562(a) (joint investigatory work between CFPB and other agencies).

Consumer Financial Protection Circulars are general statements of policy under the Administrative Procedure Act. 5 U.S.C. 553(b). They provide background information about applicable law, articulate considerations relevant to the Bureau's exercise of its authorities, and, in the interest of maintaining consistency, advise other parties with authority to enforce Federal consumer financial law. They do not restrict the Bureau's exercise of its authorities, impose any legal requirements on external parties, or create or confer any rights on external parties that could be enforceable in any administrative or civil proceeding. The CFPB Director is instructing CFPB staff as described herein, and the CFPB will then make final decisions on individual matters based on an assessment of the factual record, applicable law, and factors relevant to prosecutorial discretion.

Rohit Chopra,

Director, Consumer Financial Protection Bureau.

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CONSUMER FINANCIAL PROTECTION BUREAU

12 CFR Chapter X

Consumer Financial Protection Circular 2023–03: Adverse Action Notification Requirements and Proper Use of Sample Forms

AGENCY: Consumer Financial Protection Bureau.

ACTION: Consumer financial protection circular.

SUMMARY: The Consumer Financial Protection Bureau (CFPB) has issued Consumer Financial Protection Circular 2023–03, titled, ''Adverse action notification requirements and the proper use of the CFPB's sample forms provided in Regulation B.'' In this circular, the CFPB responds to the question, ''When using artificial intelligence or complex credit models, may creditors rely on the checklist of reasons provided in CFPB sample forms for adverse action notices even when those sample reasons do not accurately or specifically identify the reasons for the adverse action?''

DATES: The CFPB released this circular on its website on September 19, 2023.

ADDRESSES: Enforcers, and the broader public, can provide feedback and comments to *Circulars@cfpb.gov.*

FOR FURTHER INFORMATION CONTACT: George Karithanom, Regulatory Implementation & Guidance Program Analyst, Office of Regulations, at 202–435–7700 or at: *https://reginquiries.consumerfinance.gov/.*

SUPPLEMENTARY INFORMATION:

Question Presented

When using artificial intelligence or complex credit models, may creditors rely on the checklist of reasons provided in CFPB sample forms for adverse action notices even when those sample reasons do not accurately or specifically identify the reasons for the adverse action?

Response

No, creditors may not rely on the checklist of reasons provided in the sample forms (currently codified in Regulation B) to satisfy their obligations under ECOA if those reasons do not specifically and accurately indicate the principal reason(s) for the adverse action. Nor, as a general matter, may creditors rely on overly broad or vague reasons to the extent that they obscure the specific and accurate reasons relied upon.

Analysis

The Equal Credit Opportunity Act (ECOA), implemented by Regulation B, makes it unlawful for any creditor to discriminate against any applicant with respect to any aspect of a credit transaction on the basis of race, color, religion, national origin, sex (including sexual orientation and gender identity), marital status, age (provided the applicant has the capacity to contract), because all or part of the applicant's income derives from any public assistance program, or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act.[1] ECOA and Regulation B require that, when taking adverse action against an applicant, a creditor must provide the applicant with a statement of reasons for the action taken.[2] This statement of reasons must be ''specific'' and indicate the ''principal reason(s) for the adverse action'';[3] moreover, the specific reasons disclosed must ''relate to and accurately describe the factors actually considered or scored by a creditor.''[4] Adverse action notice requirements promote fairness and equal opportunity for consumers engaged in credit transactions, by serving as a tool to prevent and identify discrimination through the requirement that creditors must affirmatively explain their decisions. In addition, such notices provide consumers with a key educational tool allowing them to understand the reasons for a creditor's action and take steps to improve their credit status or rectify mistakes made by creditors.[5]

The CFPB provides sample forms (currently codified in Regulation B) that creditors may use to satisfy their adverse action notification requirements, if appropriate. These forms include a checklist of sample reasons for adverse action which ''creditors most commonly consider,''[6] as well as an open-ended field for creditors to provide other reasons not listed. The sample forms are used by creditors to satisfy certain adverse action notice requirements under ECOA and the Fair Credit Reporting Act (FCRA), though the statutory obligations under each remain distinct.[7] While the

[1] *See* 15 U.S.C. 1691(a).

[2] *See* 15 U.S.C. 1691(d)(2); 12 CFR 1002.9(a)(2)(i); *see also* 12 CFR 1002.9(a)(2)(ii) (allowing creditors the option of providing notice or following certain requirements to inform consumers of how to obtain such notice).

[3] 15 U.S.C. 1691(d)(3); 12 CFR 1002.9(b)(2).

[4] 15 U.S.C. 1691(d)(3); 12 CFR 1002.9(b)(2).

[5] *See Fischl* v. *Gen. Motors Acceptance Corp.,* 708 F.2d 143, 146 (5th Cir. 1983); S. Rep. 94–589, 94th Cong., 2d Sess., at 4, *reprinted in* 1976 U.S.S.C.A.N. 403, 406.

[6] 12 CFR part 1002, (app. C), comment 3.

[7] Like ECOA, FCRA also includes adverse action notification requirements. *See* 15 U.S.C. 1681m(a)(2). For example, when a person takes adverse action based in whole or in part on any information contained in a consumer report and has used a credit score, the person must disclose the credit score and, among other items, the ''key factors that adversely affected the score of the consumer,'' the total of which shall generally not exceed four (except if a key factor was the number of inquiries made with respect to a consumer report). 15 U.S.C. 1681g(f)(1)(C), 1681m(a)(2). Although this circular is focused on ECOA's adverse action notification requirements, similar principles apply under FCRA when a person must disclose the ''key factors that adversely affected the credit score of the consumer.'' 15 U.S.C. 1681g(f)(1)(C); *see also* 1681g(f)(2)(B) (defining ''key factors'' to mean ''all relevant elements or reasons adversely affecting the credit score of the particular individual, listed in the order of their importance based on their effect on the credit score''). Despite similar underlying principles, the statutory obligations under FCRA and ECOA are distinct. *See* 12 CFR part 1002 (supp. I), sec. 1002.9, para. 9(b)(2)–9 (''Disclosing the key factors that adversely affected the consumer's credit score does not satisfy the ECOA requirement to disclose specific reasons for denying or taking other adverse action on an application or extension of credit.''). Moreover, while ECOA's requirements only apply to creditors, FCRA's adverse action notice requirements apply to ''any person'' that takes adverse action based in

Continued

sample forms provide examples of commonly considered reasons for taking adverse action, ''[t]he sample forms are illustrative and may not be appropriate for all creditors.'' [8] Reliance on the checklist of reasons provided in the sample forms will satisfy a creditor's adverse action notification requirements only if the reasons disclosed are specific and indicate the principal reason(s) for the adverse action taken.

Some creditors use complex algorithms involving ''artificial intelligence'' and other predictive decision-making technologies in their underwriting models.[9] These complex algorithms sometimes rely on data that are harvested from consumer surveillance or data not typically found in a consumer's credit file or credit application. The CFPB has underscored the harm that can result from consumer surveillance and the risk to consumers that these data may pose. Some of these data may not intuitively relate to the likelihood that a consumer will repay a loan. The CFPB and the prudential regulators have previously noted that these data may create additional consumer protection risk.[10] This circular addresses adverse action notice requirements under ECOA and Regulation B; financial institutions also must ensure their use of data and advanced technologies fully complies with other legal requirements, such as the prohibition against illegal discrimination. The CFPB, along with the Department of Justice and other enforcement agencies, have pledged to vigorously use the agencies' collective authorities to protect individuals' rights regardless of whether legal violations occur through traditional means or advanced technologies.[11]

Under ECOA and Regulation B a creditor must provide an applicant with a statement of specific reason(s) for an adverse action; these reasons must ''relate to and accurately describe the factors actually considered or scored by a creditor.'' [12] A creditor therefore may not rely solely on the unmodified checklist of reasons in the sample forms provided by the CFPB if the reasons provided on the sample forms do not reflect the principal reason(s) for the adverse action. As explained in Regulation B, ''[i]f the reasons listed on the forms are not the factors actually used, a creditor will not satisfy the notice requirement by simply checking the closest identifiable factor listed.'' [13] Rather, the sample forms merely provide an illustrative and non-exclusive list.[14] Thus, if the principal reason(s) a creditor actually relies on is not accurately reflected in the checklist of reasons in the sample forms, it is the duty of the creditor—if it chooses to use the sample forms—to either modify the form or check ''other'' and include the appropriate explanation, so that the applicant against whom adverse action is taken receives a statement of reasons that is specific and indicates the principal reason(s) for the action taken. Creditors that simply select the closest, but nevertheless inaccurate, identifiable factors from the checklist of sample reasons are not in compliance with the law. Creditors may not evade this requirement, even if the factors actually considered or scored by the creditor may be surprising to consumers, as may be the case when a creditor relies on complex algorithms that, for instance, consider data that are not typically found in a consumer's credit file or credit application.

Because it is unlawful for a creditor to fail to provide a statement of specific reasons for the action taken,[15] a creditor will not be in compliance with the law by disclosing reasons that are overly broad, vague, or otherwise fail to inform the applicant of the specific and principal reason(s) for an adverse action. Just as an accurate description of the factors actually considered or scored by a creditor is critical to ensuring compliant adverse action notifications, sufficient specificity is also required. Such specificity is necessary to ensure consumer understanding is not hindered by explanations that obfuscate the principal reason(s) for the adverse action taken. For instance, Regulation B provides the example that a creditor should disclose ''insufficient bank references'' and not ''insufficient credit references,'' which is listed on the CFPB's sample form, if the creditor considers only references from banks and other depository institutions and not from other institutions.[16]

Specificity is particularly important when creditors utilize complex algorithms. Consumers may not anticipate that certain data gathered outside of their application or credit file and fed into an algorithmic decision-making model may be a principal reason in a credit decision, particularly if the data are not intuitively related to their finances or financial capacity. As noted in the Official Commentary to Regulation B, a creditor must ''disclose the actual reasons for denial . . . even if the relationship of that factor to predicting creditworthiness may not be clear to the applicant.'' [17] For instance, if a complex algorithm results in a denial of a credit application due to an applicant's chosen profession, a statement that the applicant had ''insufficient projected income'' or ''income insufficient for amount of credit requested'' would likely fail to meet the creditor's legal obligations. Even if the creditor believed that the reason for the adverse action was broadly related to future income or earning potential, providing such a reason likely would not satisfy its duty to provide the specific reason(s) for adverse action. Concerns regarding specificity may also arise when creditors take adverse action against consumers with existing credit lines. For example, if a creditor decides to lower the limit on, or close altogether,

whole or in part on any information contained in a consumer report, including employers, landlords, insurers, and other users of consumer reports. 15 U.S.C. 1681m(a). This circular focuses on ECOA's adverse action notification requirements and does not address requirements under FCRA.

[8] 12 CFR part 1002 (app. C), comment 3.

[9] The CFPB has previously issued guidance affirming that creditors are not excused from their adverse action notice obligations under ECOA simply because they rely on complex algorithmic underwriting models in making credit decisions. *See* CFPB, *Consumer Financial Protection Circular 2022–03: Adverse action notification requirements in connection with credit decisions based on complex algorithms* (May 26, 2022) (''Consumer Financial Protection Circular 2022–03''), *https://www.consumerfinance.gov/compliance/circulars/circular-2022-03-adverse-action-notification-requirements-in-connection-with-credit-decisions-based-on-complex-algorithms/*. Building on that previous guidance, this Circular focuses on the accuracy and specificity requirements of those notices, even when such models, driven by data gathered outside of traditional credit reports or applications, are utilized.

[10] *See* Bd. of Governors of the Fed. Reserve Sys., Consumer Fin. Prot. Bureau, Fed. Deposit Insurance Corp., Nat'l Credit Union Admin., and Office of the Comptroller of the Currency, *Interagency Statement on the Use of Alternative Data in Credit Underwriting,* at 2 (''For example, using . . . data such as cashflow data, that are directly related to consumers' finances and how consumers manage their financial commitments may present lower risks than other data.''); *see also* Consumer Fin. Prot. Bureau, Dep't of Just., Equal Emp. Opportunity Comm'n, Fed. Trade Comm'n, *Joint Statement on Enforcement Efforts Against Discrimination and Bias in Automated Systems,* at 3 (Apr. 23, 2023) (''Joint Statement on Enforcement'') (''Automated system outcomes can be skewed by . . . datasets that incorporate historical bias'' and ''can correlate data with protected classes, which can lead to discriminatory outcomes.'').

[11] *See* Joint Statement on Enforcement at 3.

[12] 12 CFR part 1002 (supp. I), sec. 1002.9, para. 9(b)(2)–2 (emphasis added).

[13] 12 CFR part 1002 (app. C), comment 4.

[14] *See* 12 CFR part 1002 (app. C), comment 3.

[15] *See* 15 U.S.C. 1691(d)(2); 12 CFR 1002.9(a)(2)(i).

[16] 12 CFR part 1002 (app. C), comment 4.

[17] 12 CFR part 1002 (supp. I), sec. 1002.9, para. 9(b)(2)–4. Indeed, because a creditor is not required to explain the relationship of a factor to the credit decision, *see id.* at para. 3, transparency about the specific reason for a denial may be even more important to help consumers understand which factors drove the credit decision in instances where the relationship between that factor and the credit decision may not be intuitive to the consumer.

a consumer's credit line based on behavioral data, such as the type of establishment at which a consumer shops or the type of goods purchased, it would likely be insufficient for the creditor to simply state ''purchasing history'' or ''disfavored business patronage'' as the principal reason for adverse action.[18] Instead, the creditor would likely need to disclose more specific details about the consumer's purchasing history or patronage that led to the reduction or closure, such as the type of establishment, the location of the business, the type of goods purchased, or other relevant considerations, as appropriate.[19]

As discussed in an advisory opinion, these requirements under ECOA extend to adverse actions taken in connection with existing credit accounts (*i.e.,* an account termination or an unfavorable change in the terms of an account that does not affect all or substantially all of a class of the creditor's accounts [20]), as well as new applications for credit.[21] The CFPB has also made clear that adverse action notice requirements apply equally to all credit decisions, regardless of whether the technology used to make them involves complex or ''black-box'' algorithmic models, or other technology that creditors may not understand sufficiently to meet their legal obligations.[22] As data use and credit models continue to evolve, creditors have an obligation to ensure that these models comply with existing consumer protection laws.

[18] *See, e.g.,* Complaint, *FTC* v. *CompuCredit,* No. 1:08–cv–1976–BBM–RGV, 34–35 (N.D. Ga. filed June 10, 2008) (alleging that creditor made decisions to limit active credit lines based on behavioral data including shopping at certain disfavored merchants, such as pawn shops and night clubs), *https://www.ftc.gov/sites/default/files/documents/cases/2008/06/080610compucreditcmplt.pdf; see also* Fed. Trade Comm'n, *Big Data: A Tool for Inclusion or Exclusion,* at 9 (Jan. 2016), *https://www.ftc.gov/system/files/documents/reports/big-data-tool-inclusion-or-exclusion-understanding-issues/160106big-data-rpt.pdf* (describing use of shopping or other spending behavior to make credit decisions).

[19] However, inclusion of such factors in a credit model may be improper for other reasons, including that use of such factors may violate ECOA or other laws if they constitute unlawful discrimination on a prohibited basis. As noted previously, this circular focuses on a creditor's obligation to accurately and specifically identify the principal reason(s) for adverse action, and not whether any particular type of factor or data otherwise complies with the law.

[20] *See* 12 CFR 1002.2(c) (defining ''adverse action'').

[21] *See* CFPB, *Revocations or Unfavorable Changes to the Terms of Existing Credit Arrangements,* 87 FR 30097 (May 18, 2022) (discussing ECOA's application to changes to existing credit arrangements); *see also* CFPB, *Credit Card Line Decreases* (June 29, 2022), *https://www.consumerfinance.gov/data-research/research-reports/credit-card-line-decreases/* (describing industry practices related to credit line decreases and attendant consumer impacts).

[22] Consumer Financial Protection Circular 2022–03.

About Consumer Financial Protection Circulars

Consumer Financial Protection Circulars are issued to all parties with authority to enforce Federal consumer financial law. The CFPB is the principal Federal regulator responsible for administering Federal consumer financial law, *see* 12 U.S.C. 5511, including the Consumer Financial Protection Act's prohibition on unfair, deceptive, and abusive acts or practices, 12 U.S.C. 5536(a)(1)(B), and 18 other ''enumerated consumer laws,'' 12 U.S.C. 5481(12). However, these laws are also enforced by State attorneys general and State regulators, 12 U.S.C. 5552, and prudential regulators including the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the National Credit Union Administration. *See, e.g.,* 12 U.S.C. 5516(d), 5581(c)(2) (exclusive enforcement authority for banks and credit unions with $10 billion or less in assets). Some Federal consumer financial laws are also enforceable by other Federal agencies, including the Department of Justice and the Federal Trade Commission, the Farm Credit Administration, the Department of Transportation, and the Department of Agriculture. In addition, some of these laws provide for private enforcement.

Consumer Financial Protection Circulars are intended to promote consistency in approach across the various enforcement agencies and parties, pursuant to the CFPB's statutory objective to ensure Federal consumer financial law is enforced consistently. 12 U.S.C. 5511(b)(4).

Consumer Financial Protection Circulars are also intended to provide transparency to partner agencies regarding the CFPB's intended approach when cooperating in enforcement actions. *See, e.g.,* 12 U.S.C. 5552(b) (consultation with CFPB by State attorneys general and regulators); 12 U.S.C. 5562(a) (joint investigatory work between CFPB and other agencies).

Consumer Financial Protection Circulars are general statements of policy under the Administrative Procedure Act. 5 U.S.C. 553(b). They provide background information about applicable law, articulate considerations relevant to the Bureau's exercise of its authorities, and, in the interest of maintaining consistency, advise other parties with authority to enforce Federal consumer financial law. They do not restrict the Bureau's exercise of its authorities, impose any legal requirements on external parties, or create or confer any rights on external parties that could be enforceable in any administrative or civil proceeding. The CFPB Director is instructing CFPB staff as described herein, and the CFPB will then make final decisions on individual matters based on an assessment of the factual record, applicable law, and factors relevant to prosecutorial discretion.

Rohit Chopra,

Director, Consumer Financial Protection Bureau.

[FR Doc. 2024–08003 Filed 4–16–24; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2023–2233; Project Identifier MCAI–2023–00755–E; Amendment 39–22704; AD 2024–05–12]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Rolls-Royce Deutschland Ltd & Co KG (RRD) Model Trent 1000–AE3, Trent 1000–CE3, Trent 1000–D3, Trent 1000–G3, Trent 1000–H3, Trent 1000–J3, Trent 1000–K3, Trent 1000–L3, Trent 1000–M3, Trent 1000–N3, Trent 1000–P3, Trent 1000–Q3, and Trent 1000–R3 engines. This AD is prompted by reports of wear in the combining spill-valve (CSV) assembly of certain hydro-mechanical units (HMUs). This AD requires removing certain HMUs from service and replacing with a serviceable part or modifying the HMU by replacing the CSV assembly, which is an optional terminating action; and prohibits installing certain HMUs unless the HMU is a serviceable part, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 22, 2024.

The Director of the Federal Register approved the incorporation by reference

of a certain publication listed in this AD as of May 22, 2024.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No.FAA–2023–2233; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For service information identified in this final rule, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu*. You may find this material on the EASA website at *ad.easa.europa.eu*.
- You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *regulations.gov* under Docket No. FAA–2023–2233.

FOR FURTHER INFORMATION CONTACT:

Sungmo Cho, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (781) 238–7241; email: *Sungmo.D.Cho@faa.gov*.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all RRD Model Trent 1000–AE3, Trent 1000–CE3, Trent 1000–D3, Trent 1000–G3, Trent 1000–H3, Trent 1000–J3, Trent 1000–K3, Trent 1000–L3, Trent 1000–M3, Trent 1000–N3, Trent 1000–P3, Trent 1000–Q3, and Trent 1000–R3 engines. The NPRM published in the **Federal Register** on December 6, 2023 (88 FR 84759). The NPRM was prompted by AD 2023–0119, dated June 12, 2023 (EASA AD 2023–0119) (also referred to as the MCAI), issued by EASA, which is the Technical Agent for the Member States of the European Union. The MCAI states that occurrences have been reported of finding wear in the CSV assembly of the HMU. This wear can reduce the fuel flow output when the engine is operated at high-power conditions. To address this unsafe condition, the manufacturer published service information that specifies procedures to remove certain HMUs from service and replace with a serviceable part or modify the HMU by replacing the CSV assembly. The MCAI also specifies an implementation schedule of engine flight-hour limits for replacement of each affected part with a serviceable part and prohibits installation or reinstallation of affected HMUs that have exceeded the allowable engine flight-hour limit unless the HMU is a serviceable part.

In the NPRM, the FAA proposed to require removing certain HMUs from service and replacing with a serviceable part or modifying the HMU by replacing the CSV assembly, which is an optional terminating action; and prohibited installing certain HMUs unless the HMU is a serviceable part. The FAA is issuing 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–2023–2233.

Discussion of Final Airworthiness Directive

Comments

The FAA received one comment from Boeing, which supported the NPRM without change.

Conclusion

These products have been approved by the aviation authority of another country and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA reviewed the relevant data, considered the comment received, and determined that air safety requires adopting the AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. Except for minor editorial changes, this AD is adopted as proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

The FAA reviewed EASA AD 2023–0119, which specifies procedures for removing certain part-numbered HMUs from service and replacing with a serviceable part or modifying the HMU by replacing the CSV assembly. The EASA AD also specifies prohibiting installation or reinstallation of an affected HMU on any engine unless the HMU is a serviceable part.

This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in **ADDRESSES**.

Costs of Compliance

The FAA estimates that this AD affects 14 engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replace the HMU	7 work-hours × $85 per hour = $595	$560,000	$560,595	$7,848,330

Operators may modify the HMU to comply with this AD. For modification of the HMU, the FAA estimates the following costs:

OPTIONAL COSTS

Action	Labor cost	Parts cost	Cost per product
Modify the HMU	7 work-hours × $85 per hour = $595	$168,000	$168,595

Authority for This Rulemaking

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

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

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

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

(2) Will not affect intrastate aviation in Alaska and

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39–AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Rolls-Royce Deutschland Ltd & Co KG: Amendment 39–22704; Docket No.FAA–2023–2233; Project Identifier MCAI–2023–00755–E.

(a) Effective Date

This airworthiness directive (AD) is effective May 22, 2024.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Rolls-Royce Deutschland Ltd & Co KG Model Trent 1000–AE3, Trent 1000–CE3, Trent 1000–D3, Trent 1000–G3, Trent 1000–H3, Trent 1000–J3, Trent 1000–K3, Trent 1000–L3, Trent 1000–M3, Trent 1000–N3, Trent 1000–P3, Trent 1000–Q3, and Trent 1000–R3 engines.

(d) Subject

Joint Aircraft System Component (JASC) Code 7300, Engine Fuel and Control.

(e) Unsafe Condition

This AD was prompted by reports of wear in the combining spill-valve assembly of certain hydro-mechanical units. The FAA is issuing this AD to prevent thrust reduction. The unsafe condition, if not addressed, could result in reduced control of the airplane.

(f) Compliance

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

(g) Required Actions

Except as specified in paragraph (h) of this AD: Perform all required actions within the compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2023–0119, dated June 12, 2023 (EASA AD 2023–0119).

(h) Exceptions to EASA AD 2023–0119

(1) Where EASA AD 2023–0119 requires compliance from its effective date, this AD requires using the effective date of this AD.

(2) Where Table 1 of EASA AD 2023–0119 specifies "26 June 2023;" replace that text with "As of the effective date of this AD."

(3) Where Table 1 of EASA AD 2023–0119 specifies "01 October 2024;" replace that text with "Within 4 months after the effective date of this AD or October 1, 2024, whichever occurs later."

(4) Where the service information referenced in EASA AD 2023–0019 specifies to discard certain parts, this AD requires those parts to be removed from service.

(5) This AD does not adopt the Remarks paragraph of EASA AD 2023–0119.

(i) Definitions

For the purposes of this AD, the "implementation date" is defined as the date the applicable engine flight hours (EFH) limit takes effect.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, AIR–520 Continued Operational Safety Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the AIR–520 Continued Operational Safety Branch, send it to the attention of the person identified in paragraph (k) of this AD and email to: *ANE-AD-AMOC@faa.gov*.

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

(k) Additional Information

For more information about this AD, contact Sungmo Cho, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (781) 238–7241; email: *sungmo.d.cho@faa.gov*.

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2023–0119, dated June 12, 2023.

(ii) [Reserved]

(3) For EASA AD 2023–0119, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu*. You may find EASA AD 2023–0119 on the EASA website at *ad.easa.europa.eu*.

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

(5) You may view this 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. 2024–08083 Filed 4–16–24; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2023–1818; Project Identifier MCAI–2023–00582–T; Amendment 39–22699; AD 2024–05–08]

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: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes. This AD was prompted by a report of a fouling condition (interference) between the gimbal bushing and the airplane horizontal stabilizer trim actuator (HSTA) structural fitting, which prevented engagement of the secondary load path. This AD requires replacing the upper gimbal bushing flanges, as specified in a Transport Canada AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 22, 2024.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 22, 2024.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2023–1818; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

• For material incorporated by reference 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;* website *tc.canada.ca/en/aviation*.

• 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. It is also available in the AD docket at *regulations.gov* under Docket No. FAA–2023–1818.

FOR FURTHER INFORMATION CONTACT: Gabriel Kim, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; email *9-avs-nyaco-cos@faa.gov*.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes. The NPRM published in the **Federal Register** on September 6, 2023 (88 FR 60901). The NPRM was prompted by AD CF–2023–23, dated April 5, 2023 (Transport Canada AD CF–2023–23) (also referred to as the MCAI), issued by Transport Canada, which is the aviation authority for Canada. The MCAI states that interference was found between the gimbal bushing and the airplane HSTA structural fitting, which prevented engagement of the secondary load path. On multiple other Model BD–500–1A10 and BD–500–1A11 airplanes, similar interference caused visible damage, but the secondary load path was successfully engaged. Inability to engage the HSTA secondary load path, following a failure of the primary load path, may result in a loss of pitch control of the airplane.

In the NPRM, the FAA proposed to require replacing the upper gimbal bushing flanges, as specified in Transport Canada AD CF–2023–23. The FAA is issuing 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–2023–1818.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from Air Line Pilots Association, International (ALPA), who supported the NPRM without change.

The FAA received additional comments from Delta Air Lines (DAL). The following presents the comment received on the NPRM and the FAA's response.

Request To Add Exception To Address Discrepancies in Service Information

DAL requested that an exception be added in the proposed AD to address a part number discrepancy in the service information specified in Transport Canada AD CF–2023–23. The commenter stated that the part number of the pre-modified upper gimbal ring assembly given in the service information is incorrect and should be corrected from part number (P/N) 490740–103 to P/N 490740–101.

The FAA agrees with the requested change. The manufacturer has confirmed that the part number of the pre-modified upper gimbal ring assembly, as specified in the service information referenced in Transport Canada AD CF–2023–23, is incorrect and verified that the new part number specified by the commenter is correct. A new exception has been added to paragraph (h) of this AD to provide this correction.

Conclusion

This product has been approved by the aviation authority of another country and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA reviewed the relevant data, considered the comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on this product. Except for minor editorial changes, and any other changes described previously, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Related Service Information Under 1 CFR Part 51

Transport Canada AD CF–2023–23 specifies procedures for replacing the upper gimbal bushing flanges. 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** section.

Costs of Compliance

The FAA estimates that this AD affects 4 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Up to 24 work-hours × $85 per hour = $2,040	$5,883	Up to $7,923	Up to $31,692

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

Authority for This Rulemaking

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

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

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2024–05–08 Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.): Amendment 39–22699; Docket No. FAA–2023–1818; Project Identifier MCAI–2023–00582–T.

(a) Effective Date

This airworthiness directive (AD) is effective May 22, 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–2023–23, dated April 5, 2023 (Transport Canada AD CF–2023–23).

(d) Subject

Air Transport Association (ATA) of America Code: 27, Flight Controls.

(e) Unsafe Condition

This AD was prompted by a report of interference between the gimbal bushing and the airplane horizontal stabilizer trim actuator (HSTA) structural fitting. The FAA is issuing this AD to ensure no interference occurs between the bushing and HSTA. The unsafe condition, if not addressed, could result in the inability of the HSTA secondary load path to engage, following a failure of the primary load path, which may result in a loss of pitch control of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, Transport Canada AD CF–2023–23.

(h) Exceptions to Transport Canada AD CF–2023–23

(1) Where Transport Canada AD CF–2023–23 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where Transport Canada AD CF–2023–23 refers to hours air time, this AD requires using flight hours.

(3) Where the service information referenced in Transport Canada AD CF–2023–23 refers to the pre-modified upper gimbal ring assembly as part number ''490740–103,'' this AD requires replacing that number with ''490740–101.''

(i) Additional AD Provisions

The following provisions also apply to this AD:

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

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, International Validation Branch, FAA; or Transport Canada; or Airbus Canada Limited Partnership's 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 Gabriel Kim, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 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) Transport Canada AD CF–2023–23, dated April 5, 2023.

(ii) [Reserved]

(3) For Transport Canada AD CF–2023–23, 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;* website *tc.canada.ca/en/aviation.*

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

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

Issued on March 4, 2024.

Victor Wicklund,

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

[FR Doc. 2024–08103 Filed 4–16–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–0764; Project Identifier MCAI–2023–01017–T; Amendment 39–22716; AD 2024–06–11]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus SAS Model A310 series airplanes. This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. This AD requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 2, 2024.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 2, 2024.

The FAA must receive comments on this AD by June 3, 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–2024–0764; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For EASA material that is incorporated by reference in this final rule, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* website *easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.*
- 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. It is also available at *regulations.gov* under Docket No. FAA–2024–0764.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3225; email *dan.rodina@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2024–0764; Project Identifier MCAI–2023–01017–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this final rule, 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 final rule. Submissions containing CBI should be sent to Dan Rodina, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3225; email *dan.rodina@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2023–0173, dated September 20, 2023 (EASA AD

2023–0173) (referred to after this as the MCAI), to correct an unsafe condition on all Airbus A310–203, A310–204, A310–221, A310–222, A310–203C, A310–304, A310–308, A310–322, A310–324, and A310–325 airplanes. Model A310–203C and A310–308 airplanes are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this AD therefore does not include those airplanes in the applicability. The MCAI states that new or more restrictive airworthiness limitations have been developed.

EASA AD 2023–0173 specifies that it requires a task (limitation) already in Airbus A310 ALS Part 1 SL–ALI Revision 02 that is required by EASA AD 2017–0204 (which corresponds to FAA AD 2018–18–19, Amendment 39–19398 (83 FR 47056, September 18, 2018) (AD 2018–18–19)) or EASA AD 2022–0172 (which corresponds to FAA AD 2023–04–09, Amendment 39–22356 (88 FR 20746, April 7, 2023) (AD 2023–04–09)), and that incorporation of EASA AD 2017–0204 or EASA AD 2022–0172 invalidates (terminates) prior instructions for that task. This AD therefore terminates the limitations required by paragraph (g) of AD 2018–18–19 and AD 2023–04–09, for the tasks identified in the service information referenced in EASA AD 2023–0173 only.

The FAA is issuing this AD to address fatigue damage in principal structural elements. The unsafe condition, if not addressed, could result in reduced structural integrity of the airplane.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2024–0764.

Related Service Information Under 1 CFR Part 51

The FAA reviewed EASA AD 2023–0173. This service information specifies new or more restrictive airworthiness limitations for airplane structures and safe life limits. 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 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 referenced above. The FAA is issuing this AD after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

AD Requirements

This AD requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, which are specified in EASA AD 2023–0173 described previously, as incorporated by reference. Any differences with EASA AD 2023–0173 are identified as exceptions in the regulatory text of this AD.

This AD requires revisions to certain operator maintenance documents to include new actions (*e.g.,* inspections). Compliance with these actions is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance (AMOC) according to paragraph (k)(1) of this 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, EASA AD 2023–0173 is incorporated by reference in this AD. This AD requires compliance with EASA AD 2023–0173 through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in EASA AD 2023–0173 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2023–0173. Service information required by EASA AD 2023–0173 for compliance will be available at regulations.gov under Docket No. FAA–2024–0764 after this final rule is published.

Airworthiness Limitation ADs Using the New Process

The FAA's process of incorporating by reference MCAI ADs as the primary source of information for compliance with corresponding FAA ADs has been limited to certain MCAI ADs (primarily those with service bulletins as the primary source of information for accomplishing the actions required by the FAA AD). However, the FAA is now expanding the process to include MCAI ADs that require a change to airworthiness limitation documents, such as airworthiness limitation sections.

For these ADs that incorporate by reference an MCAI AD that changes airworthiness limitations, the FAA requirements are unchanged. Operators must revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in the new airworthiness limitation document. The airworthiness limitations must be followed according to 14 CFR 91.403(c) and 91.409(e).

The previous format of the airworthiness limitation ADs included a paragraph that specified that no alternative actions (*e.g.,* inspections or intervals) may be used unless the actions and intervals are approved as an AMOC in accordance with the procedures specified in the AMOCs paragraph under ''Additional AD Provisions.'' This new format includes a ''New Provisions for Alternative Actions and Intervals'' paragraph that does not specifically refer to AMOCs, but operators may still request an AMOC to use an alternative action or interval.

Justification for Immediate Adoption and Determination of the Effective Date

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

There are currently no domestic operators of these products. Accordingly, notice and opportunity for prior public comment are unnecessary, pursuant to 5 U.S.C. 553(b)(3)(B). In addition, for the foregoing reason(s), the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days.

Regulatory Flexibility Act

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

Costs of Compliance

Currently, there are no affected U.S.-registered airplanes. For any affected airplane that may be imported and placed on the U.S. Register in the future, the FAA provides the following cost estimates to comply with this AD:

The FAA has determined that revising the existing maintenance or inspection program takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate.

The FAA estimates the total cost per operator for the new actions to be $7,650 (90 work-hours × $85 per work-hour).

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify that this AD:

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2024–06–11 Airbus SAS: Amendment 39–22716; Docket No. FAA–2024–0764; Project Identifier MCAI–2023–01017–T.

(a) Effective Date

This airworthiness directive (AD) is effective May 2, 2024.

(b) Affected ADs

This AD affects AD 2018–18–19, Amendment 39–19398 (83 FR 47056, September 18, 2018) (AD 2018–18–19) and AD 2023–04–09, Amendment 39–22356 (88 FR 20746, April 7, 2023) (AD 2023–04–09).

(c) Applicability

This AD applies to all Airbus SAS Model A310–203, –204, –221, –222, –304, –322, –324, and –325 airplanes, certificated in any category.

(d) Subject

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

(e) Unsafe Condition

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

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2023–0173, dated September 20, 2023 (EASA AD 2023–0173). Where EASA AD 2023–0173 affects the same airworthiness limitations as those in EASA AD 2017–0204 or EASA AD 2022–0172, the airworthiness limitations referenced in EASA AD 2023–0173 prevail.

(h) Exceptions to EASA AD 2023–0173

(1) This AD does not adopt the requirements specified in paragraph (1) of EASA AD 2023–0173.

(2) Paragraph (2) of EASA AD 2023–0173 specifies revising ''the approved AMP,'' within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after the effective date of this AD.

(3) The initial compliance time for doing the tasks specified in paragraph (2) of EASA AD 2023–0173 is at the applicable ''limitations'' as incorporated by the requirements of paragraph (2) of EASA AD 2023–0173, or within 90 days after the effective date of this AD, whichever occurs later.

(4) This AD does not adopt the ''Remarks'' section of EASA AD 2023–0173.

(i) Provisions for Alternative Actions and Intervals

After the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections) and intervals are allowed unless they are approved as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2023–0173.

(j) Terminating Action for Certain Tasks Required by AD 2018–18–19 and AD 2023–04–09

Accomplishing the actions required by this AD terminates the corresponding requirements of AD 2018–18–19 and AD 2023–04–09 for the tasks identified in the service information referenced in EASA AD 2023–0173 only.

(k) 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 (l) of this AD. Information may be emailed to: *9-AVS-AIR-730-AMOC@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, International Validation Branch, FAA; or EASA; or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(l) Additional Information

For more information about this AD, contact Dan Rodina, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3225; email *dan.rodina@faa.gov.*

(m) 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.

(3) The following service information was approved for IBR on May 2, 2024.

(i) European Union Aviation Safety Agency (EASA) AD 2023–0173, dated September 20, 2023.

(ii) [Reserved]

(4) For EASA AD 2023–0173, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* website *easa.europa.eu.* You may find this EASA AD on the EASA website at *ad.easa.europa.eu.*

(5) 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.

(6) 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 20, 2024.

Victor Wicklund,

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

[FR Doc. 2024–08109 Filed 4–16–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2023–0009; Project Identifier MCAI–2022–00789–T; Amendment 39–22712; AD 2024–06–07]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2020–05–16, which applied to certain Airbus SAS Model A319–115 airplanes; Model A320–214, –216, –232, –251N, and –271N airplanes; and Model A321–211, –231, –251N, –251NX, –253N, –271N, –271NX, and –272N airplanes. AD 2020–05–16 required a one-time detailed inspection of certain attaching points on the left-hand and right-hand wings for the correct installation of certain hardware, and, depending on findings, accomplishment of applicable corrective actions. This AD was prompted by reports of incomplete installations of the over wing panel lug attachments in the production assembly line and a determination that additional airplanes are subject to the unsafe condition. This AD continues to require the actions in AD 2020–05–16 and adds airplanes to the applicability, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 22, 2024.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 22, 2024.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2023–0009; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For material incorporated by reference in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* website *easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.*
- 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. It is also available in the AD docket at *regulations.gov* under Docket No. FAA–2023–0009.

FOR FURTHER INFORMATION CONTACT: Timothy P. Dowling, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 206–231–3667; email *timothy.p.dowling@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2020–05–16, Amendment 39–19866 (85 FR 15938, March 20, 2020) (AD 2020–05–16). AD 2020–05–16 applied to certain Airbus SAS Model A319–115 airplanes; Model A320–214, –216, –232, –251N, and –271N airplanes; and Model A321–211, –231, –251N, –251NX, –253N, –271N, –271NX, and –272N airplanes. AD 2020–05–16 required a one-time detailed inspection of certain attaching points on the left-hand and right-hand wings for the correct installation of certain hardware, and, depending on findings, accomplishment of applicable corrective actions. The FAA issued AD 2020–05–16 to address incomplete installations of the over wing panel lug attachments in the production assembly line, which, if not detected and corrected, could reduce the structural integrity of the wing.

The NPRM published in the **Federal Register** on January 13, 2023 (88 FR 2273). The NPRM was prompted by AD 2022–0111, dated June 15, 2022 (EASA AD 2022–0111), issued by EASA, which is the Technical Agent for the Member States of the European Union. EASA AD 2022–0111 states that since EASA AD 2019–0233 was issued, Airbus identified additional affected airplanes.

In the NPRM, the FAA proposed to continue to require the actions in AD 2020–05–16 and to add airplanes to the applicability, as specified in EASA AD 2022–0111. The FAA is issuing this AD to address the unsafe condition on these products.

The FAA issued a supplemental notice of proposed rulemaking (SNPRM) to amend 14 CFR part 39 to supersede AD 2020–05–16. The SNPRM published in the **Federal Register** on August 25, 2023 (88 FR 58116). The SNPRM was prompted by a determination that additional airplanes are subject to the unsafe condition, and by the issuance of EASA AD 2022–0111R1, dated July 26, 2023 (EASA AD 2022–0111R1). EASA AD added Model A321–213 airplanes to its applicability. In the SNPRM, the FAA proposed to continue to require the actions in AD 2020–05–16 and to add airplanes to the applicability, as specified in EASA AD 2022–0111R1. The FAA is issuing this AD to address incomplete installations of the over wing panel lug attachments in the production assembly line. The unsafe condition, if not addressed, could result in reduced structural integrity of the wing.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2023–0009.

Discussion of Final Airworthiness Directive

Comments

The FAA received no comments on the SNPRM or on the determination of the cost to the public.

Change Made to This Final Rule

Since issuing the SNPRM, the FAA determined that, for Group 2 airplanes, the procedures in Airbus Alert Operators Transmission (AOT) A57N012–19 are acceptable for compliance. EASA AD 2022–0111R1 specifies that Group 2 airplanes must use Airbus Service Bulletin A320–57–1234 and Airbus Service Bulletin A320–57–1235, as applicable. However, the FAA has coordinated with Airbus and determined that the actions identified in Airbus AOT A57N012–19 are equivalent to the applicable actions found in the specified service information. Therefore, the FAA added paragraph (j) of this AD to provide credit for Group 2 airplanes.

Conclusion

This product has been approved by the aviation authority of another country and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA reviewed the relevant data and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on this product. Except for minor editorial changes, and any other changes described previously, this AD is adopted as proposed in the SNPRM. None of the changes will increase the economic burden on any operator.

Related Service Information Under 1 CFR Part 51

EASA AD 2022–0111R1 specifies procedures for a one-time detailed inspection of certain attaching points on the left-hand and right-hand wings for the correct installation of certain hardware (bolt, nut, washer, and cotter pin), and, depending on findings, accomplishment of applicable corrective actions. Corrective actions include installing missing hardware, properly orienting hardware, and performing a damage assessment for cracks and deformed parts in the event of missing hardware, and repair. For certain airplanes, EASA AD 2022–0111R1 also specifies reporting the inspection results to Airbus. 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 the ADDRESSES section.

Costs of Compliance

The FAA estimates that this AD affects 131 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS *

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
2 work-hours × $85 per hour = $170	$0	$170	$22,700

* Table does not include estimated costs for reporting.

The FAA estimates that it would take about 1 work-hour per product to comply with the reporting requirement in this AD. The average labor rate is $85 per hour. Based on these figures, the FAA estimates the cost of reporting the inspection results on U.S. operators to be up to $11,135, or $85 per product.

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
Up to 20 work-hours × $85 per hour = $1,700	Up to $77,850	Up to $79,550

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to take approximately 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

Authority for This Rulemaking

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

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

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2020–05–16, Amendment 39–19866 (85 FR 15938, March 20, 2020); and

■ b. Adding the following new AD:

2024–06–07 Airbus SAS: Amendment 39–22712; Docket No. FAA–2023–0009; Project Identifier MCAI–2022–00789–T.

(a) Effective Date

This airworthiness directive (AD) is effective May 22, 2024.

(b) Affected ADs

This AD replaces AD 2020–05–16, Amendment 39–19866 (85 FR 15938, March 20, 2020) (AD 2020–05–16).

(c) Applicability

This AD applies to the Airbus SAS airplanes specified in paragraphs (c)(1) through (3) of this AD, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2022–0111R1, dated July 26, 2023 (EASA AD 2022–0111R1).

(1) Model A319–115 airplanes.

(2) Model A320–214, –216, –232, –251N, and –271N airplanes.

(3) Model A321–211, –213, –231, –251N, –251NX, –252NX, –253N, –253NX, –271N, –271NX, and –272N airplanes.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of incomplete installations of the over wing panel lug attachments in the production assembly line and a determination that additional airplanes are subject to the unsafe condition. The FAA is issuing this AD to address these incomplete installations. The unsafe condition, if not addressed, could result in reduced structural integrity of the wing.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2022–0111R1.

(h) Exceptions to EASA AD 2022–0111R1

(1) Where EASA AD 2022–0111R1 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2022–0111R1 refers to October 2, 2019 (the effective date of EASA AD 2019–0233, dated September 18, 2019), this AD requires using April 24, 2022 (the effective date of AD 2020–05–16).

(3) Where paragraph (5) of EASA AD 2022–0111R1 specifies to ''contact Airbus for approved instructions, and within the compliance time identified therein, accomplish those instructions accordingly,'' this AD requires replacing that text with ''contact Airbus for approved instructions, and within the compliance time identified therein, accomplish those instructions accordingly, except if any cracking is detected, the cracking must be repaired before further flight using a method approved by the Manager, International Validation Branch, FAA; or EASA; or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.''

(4) This AD does not adopt the ''Remarks'' section of EASA AD 2022–0111R1.

(5) Where paragraph (2) of EASA AD 2022–0111R1 specifies a compliance time of ''before exceeding 14,000 flight hours or 7,000 flight cycles, whichever occurs first since aeroplane first flight,'' this AD requires replacing that text with ''before exceeding 14,000 flight hours or 7,000 flight cycles, whichever occurs first since airplane first flight; or within 6 months after the effective date of this AD; whichever occurs later.''

(i) No Reporting Requirement for Certain Airplanes

For Group 1 airplanes, as identified in EASA AD 2022–0111R1, this AD does not require reporting.

(j) Credit for Previous Actions

For Group 2 airplanes, as identified in EASA AD 2022–0111R1: This paragraph provides credit for the inspections and corrective actions required by paragraphs (2) and (5) of EASA AD 2022–0111R, if those actions were performed before the effective date of this AD using Airbus Alert Operators Transmission (AOT) A57N012–19, dated March 20, 2019; or Airbus AOT A57N012–19, Revision 01 dated April 18, 2019.

(k) Additional AD Provisions

The following provisions also apply to this AD:

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

(i) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office. (ii) AMOCs approved previously for AD 2020–05–16 are approved as AMOCs for the corresponding provisions of EASA AD 2022–0111R1 that are required by paragraph (g) of this AD.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, International Validation Branch, FAA; or EASA; or Airbus SAS's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* Except as required by paragraph (k)(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.

(l) Additional Information

(1) For more information about this AD, contact Timothy P. Dowling, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 206–231–3667; email *timothy.p.dowling@faa.gov.*

(2) For Airbus service information identified in this AD that is not incorporated by reference, contact Airbus SAS, Airworthiness Office—EIAS, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* website *airbus.com.*

(m) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2022–0111R1, dated July 26, 2023.

(ii) [Reserved]

(3) For EASA AD 2022–0111R1, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* website *easa.europa.eu.* You may find this EASA AD on the EASA website at *ad.easa.europa.eu.*

(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 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 15, 2024.

Victor Wicklund,

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

[FR Doc. 2024–08106 Filed 4–16–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2023–1400; Project Identifier AD–2022–01374–T; Amendment 39–22708; AD 2024–06–03]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain The Boeing Company Model 737–8 and 737–9 airplanes. This AD was prompted by a determination that the loss of a ground through the P6 panel results in the failure of the standby power control unit (SPCU). The loss of the SPCU and ground through the P6 panel could result in the loss of significant flightcrew instrumentation and displays. This AD requires installing two bonding jumpers from the P6 panel structure to primary structure. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 22, 2024.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 22, 2024.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2023–1400; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For material that is incorporated by reference, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website *myboeingfleet.com.*
- 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. It is also available at *regulations.gov* under Docket No. FAA–2023–1400.

FOR FURTHER INFORMATION CONTACT: Raja Vengadasalam, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3537; email: *raja.vengadasalam@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain The Boeing Company Model 737–8 and 737–9 airplanes. The NPRM published in the **Federal Register** on August 7, 2023 (88 FR 52055). The NPRM was prompted by a determination that the loss of a ground through the P6 panel results in the failure of the SPCU. In the NPRM, the FAA proposed to require installing two bonding jumpers from the P6 panel structure to primary structure. The FAA is issuing this AD to address loss of the SPCU function in combination with other lost P6 functions. The unsafe condition, if not addressed, could result in the loss of significant flightcrew instruments and displays, and may lead to loss of continued safe flight and landing.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from United Airlines, who supported the NPRM without change, Boeing, the Foundation for Aviation Safety, and three individuals.

Request for Change to Background Paragraph

Boeing requested that the FAA revise the description of the incident that prompted the NPRM. The Background section of the NPRM stated the following:

> During a bonding analysis, it was determined that separate redundant ground paths from the two ground blocks on the SPCU tray to airplane primary structure are required in order to prevent a single point of failure condition, which could result in a potentially confusing combination of flight deck effects and a combination of lost functionality.

Boeing requested that this statement be clarified: (1) The single point of failure condition would result in the loss of SPCU function, and (2) the loss of SPCU function, in combination with other lost P6 functions, could result in a potentially confusing combination of flight deck effects and lost functionality.

Boeing stated that the additional information would clarify and add detail to expand to other additional equipment in the P6.

The FAA agrees with the suggested revision. However, the Background section is not repeated in this final rule in its entirety. Therefore, the FAA has not changed this final rule.

The Foundation for Aviation Safety noted that the P6 panel provides circuit breakers for many of the airplane's most critical systems. The Foundation, and three individuals, requested that the FAA prohibit further operation of the 737 MAX.

The FAA has determined that the corrective action mandated by this AD will adequately address this unsafe condition. Therefore, the FAA has not changed this final rule in response to these comments.

Conclusion

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

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin 737–24A1248 RB, dated May 16, 2022. This service information specifies procedures for installing new bonding jumpers from the P6 panel structure to the primary structure to provide a redundant ground path for the SPCU.

This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in ADDRESSES.

Costs of Compliance

The FAA estimates that this AD affects 79 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Install two bonding jumpers	3 work-hours × $85 per hour = $255	$180	$435	$34,365

Authority for This Rulemaking

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

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

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2024–06–03 The Boeing Company: Amendment 39–22708; Docket No. FAA–2023–1400; Project Identifier AD–2022–01374–T.

(a) Effective Date

This airworthiness directive (AD) is effective May 22, 2024.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 737–8 and 737–9 airplanes, certificated in any category, as identified in Boeing Alert Requirements Bulletin 737–24A1248 RB, dated May 16, 2022.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a determination that separate redundant ground paths from the two ground blocks on the standby power control unit (SPCU) tray to airplane primary structure are required in order to prevent a single point of failure condition. The FAA is issuing this AD to address loss of the SPCU in combination with other lost P6 functions. The unsafe condition, if not addressed, could result in the loss of significant flightcrew instruments and displays, and may lead to loss of continued safe flight and landing.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the "Compliance" paragraph of Boeing Alert Requirements Bulletin 737–24A1248 RB, dated May 16, 2022, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 737–24A1248 RB, dated May 16, 2022.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 737–24A1248, dated May 16, 2022,

which is referred to in Boeing Alert Requirements Bulletin 737–24A1248 RB, dated May 16, 2022.

(h) Exceptions to Service Information Specifications

Where the Compliance Time column of the table in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 737–24A1248 RB, dated May 16, 2022, refers to the original issue date of Requirements Bulletin 737–24A1248 RB, this AD requires using the effective date of this AD.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, AIR–520 Continued Operational Safety 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 certification office, send it to the attention of the person identified in paragraph (j) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, AIR–520 Continued Operational Safety Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(j) Related Information

(1) For more information about this AD, contact Raja Vengadasalam, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3537; email: *raja.vengadasalam@faa.gov.*

(2) Service information identified in this AD that is not incorporated by reference is available at the address specified in paragraph (k)(3) of this AD.

(k) Material Incorporated by Reference

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

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

(i) Boeing Alert Requirements Bulletin 737–24A1248 RB, dated May 16, 2022.

(ii) [Reserved]

(3) For material that is incorporated by reference, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website *myboeingfleet.com.*

(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 15, 2024.

Victor Wicklund,

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

[FR Doc. 2024–08105 Filed 4–16–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2023–1413; Project Identifier AD–2023–00087–T; Amendment 39–22706; AD 2024–06–01]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain The Boeing Company Model 737–600, –700, –700C, –800, –900 and –900ER airplanes. This AD was prompted by reports of cracks in the forward galley door cutout forward upper corner bear strap. It has been determined that the cracks were caused by high operating stresses in the fuselage skin door cutout corner area due to stress concentration at the door cutout. This AD requires an inspection of the fuselage skin and the bear strap at the forward galley door cutout forward upper corner for existing repairs, and applicable related investigative and corrective actions. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 22, 2024.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 22, 2024.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2023–1413; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website *myboeingfleet.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. It is also available at *regulations.gov* under Docket No. FAA–2023–1413.

FOR FURTHER INFORMATION CONTACT: Owen Bley-Male, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3992; email: *owen.f.bley-male@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain The Boeing Company Model 737–600, –700, –700C, –800, –900 and –900ER airplanes. The NPRM published in the **Federal Register** on July 24, 2023 (88 FR 47399). The NPRM was prompted by reports of cracks in the forward galley door cutout forward upper corner bear strap. In the NPRM, the FAA proposed to require an inspection of the fuselage skin and the bear strap at the forward galley door cutout forward upper corner for existing repairs, and applicable related investigative and corrective actions. The FAA is issuing this AD to address cracks in the fuselage skin and bear strap, which could increase in length until the fuselage skin and bear strap severs. If not detected and corrected, a severed fuselage skin and bear strap may lead to the inability of the principal structural element (PSE) to sustain limit loads and may result in rapid decompression of the fuselage and loss of structural integrity.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from seven commenters, including Boeing, Aviation Partners Boeing, Delta Air Lines (Delta), Southwest Airlines (Southwest), Sun Country Airlines (SCA), Sideral Linhas Aereas (Sideral), and United Airlines (United). The following presents the comments received on the NPRM and the FAA's response to each comment,

Effect of Winglets on Accomplishment of the Proposed Actions

Aviation Partners Boeing stated that the installation of winglets per Supplemental Type Certificate (STC) ST00830SE does not affect the actions specified in the proposed AD.

The FAA concurs with the commenter. The FAA has redesignated paragraph (c) of the proposed AD as paragraph (c)(1) of this AD and added paragraph (c)(2) to this AD to state that installation of STC ST00830SE does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST00830SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

Request To Clarify Related Investigative Actions

Boeing requested that the FAA revise the Related Service Information Under 1 CFR part 51 portion of the NPRM to specify that related investigative actions include external and internal eddy current inspections, as well as detailed inspections, as specified in Boeing Alert Requirements Bulletin 737–53A1407 RB, dated December 20, 2022.

The FAA agrees for the reasons provided and has revised the Related Service Information Under 1 CFR part 51 portion of this final rule accordingly.

Request To Allow Later-Approved Versions of a Structural Repair Manual (SRM)

Delta, Southwest, Sideral, and United requested that the proposed AD be revised to allow later-approved revisions of 737NG SRM 53–10–01 Repair 6. United noted that existing repairs are evaluated against 737NG SRM 53–10–01 Repair 6, dated March 10, 2020, to determine appropriate corrective actions. Delta claimed that, as written, only 737NG SRM 53–10–01 Repair 6, dated March 10, 2020, is an approved previous repair in the service information. Southwest, Sideral, and United all noted that the SRM may get updated and older copies of the SRM are not made available to technicians, which may lead to confusion and delays. United and Sideral added that repairs made using a future version of the SRM may not match the current version, which would require operators to obtain an AMOC.

The FAA agrees for the reasons provided. The FAA has added paragraph (h)(3) of this AD to include later-approved revisions of 737NG SRM 53–10–01 Repair 6, dated March 10, 2020.

Request To Allow Applying a Certain Repair in Lieu of Obtaining Instructions

Delta requested that the proposed AD be revised to allow applying 737NG SRM 53–10–01 Repair 6 and following the limitations of Table 3 of Boeing Alert Requirements Bulletin 737–53A1407 RB, dated December 20, 2022, in lieu of contacting Boeing or the FAA for repair instructions and doing that repair when an airplane is in Condition 2.1 or Condition 4.1, as specified in in Boeing Alert Requirements Bulletin 737–53A1407 RB, dated December 20, 2022. Delta stated that the service information allows retaining 737NG SRM 53–10–01 Repair 6 if it is already applied on an airplane and does not require removal of that repair. Delta added that if an airplane is in an overnight or short visit, the option of installing 737NG SRM 53–10–01 Repair 6 is faster and would only appear to require additional inspections within 24,000 flight cycles.

The FAA disagrees with the commenter's request. Each crack configuration found when accomplishing this AD will be unique and will require an analysis to determine the appropriate repair and post-repair inspection protocol. Boeing 737NG SRM 53–10–01 Repair 6 is designed for a certain crack configuration, and therefore will not be applicable to every crack that might be found when complying with this AD. However, an operator may request an AMOC following the procedures in paragraph (i) of this AD to use a different repair method.

Request for Creation of a Preventative Modification

SCA requested that a preventative modification be developed that could terminate the repetitive inspections specified in Boeing Alert Requirements Bulletin 737–53A1407 RB, dated December 20, 2022. SCA added that the proposed AD affects all Boeing 737NG airplanes, but the repair referenced in Boeing Alert Requirements Bulletin 737–53A1407 RB, dated December 20, 2022, is only effective for a small portion of the fleet.

The FAA disagrees with the commenter's request. After analyzing the relevant data, the FAA has determined that the repetitive inspections specified in the service information required by this AD are adequate to address the unsafe condition. Additionally, the FAA infers that the repair method the commenter referred to is 737NG SRM 53–10–01 Repair 6. The FAA notes that the service information has conditions related to whether or not a repair was accomplished using 737NG SRM 53–10–01 Repair 6, but requires operators to obtain and follow instructions for new crack findings, which is a method applicable to all airplanes.

Request To Combine Actions With Another AD

SCA requested that the inspections in the proposed AD be combined with the inspections in AD 2021–02–13, Amendment 39–21396 (86 FR 10776, February 23, 2021) (AD 2021–02–13). The commenter stated that the proposed AD's inspection area is in immediate proximity of the inspection area required by AD 2021–02–13, and corrective actions for a finding in either inspection area will affect the inspection requirements for both the proposed AD and AD 2021–02–13. SCA claimed this would require obtaining two AMOCs for a single finding, adding undue complexity. The commenter also noted that, while both the proposed AD and AD 2021–02–13 require contacting the manufacturer, there is a strong potential for oversight regarding compliance with the proposed AD or AD 2021–02–13. SCA stated that, at a minimum, AD 2021–02–13 should be listed as an affected AD in paragraph (b) of the proposed AD, since an external reinforcing repair would affect the inspection of both the proposed AD and AD 2021–02–13.

The FAA disagrees with the commenter's request. Although the two ADs require actions in areas that are in close proximity (AD 2021–02–13 requires inspections for cracks of the fuselage skin and bear strap at the forward galley door between certain stations, and applicable on-condition actions), they require different actions to address different unsafe conditions. Therefore, combining the two ADs would not be practical. Additionally, only ADs that are superseded or terminated by another AD are considered ''affected'' ADs. Finally, if an operator needs to request a repair

that affects both this AD and AD 2021–02–13, they may request a single AMOC.

Conclusion

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

Related Service Information Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin 737–53A1407 RB, dated December 20, 2022. This service information specifies procedures for an external general visual inspection of the fuselage skin at the forward galley door cutout forward upper corner for any repair, and applicable related investigative and corrective actions. Related investigative actions include detailed inspections for cracking of the fuselage skin and bear strap; and internal and external high frequency eddy current (HFEC) and low frequency eddy current (LFEC) inspections for cracking of the fuselage skin, bear strap, and repair parts. Corrective actions include obtaining and following instructions for crack repair. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in ADDRESSES.

Costs of Compliance

The FAA estimates that this AD affects 1,938 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
External general visual inspection for repairs.	0.5 work-hour × $85 per hour = $42.50 per inspection cycle.	$0	$42.50 per inspection cycle	$82,365 per inspection cycle.
External detailed and eddy current inspection for cracks.	3.5 work-hours × $85 per hour = $197.50.	0	$197.50	$576,555.
External eddy current inspection without a quadrupler repair.	4 work-hours × $85 per hour = $340 per inspection cycle.	0	$340 per inspection cycle	Up to $658,920 per inspection cycle.
External eddy current inspection with a quadrupler repair.	4 work-hours × $85 per hour = $340 per inspection cycle.	0	$340 per inspection cycle	Up to $658,920 per inspection cycle.
Internal eddy current inspection for cracks.	26 work-hours × $85 per hour = $2,210.	0	$2,210	$4,282,980.

The FAA has received no definitive data on which to base the cost estimates for the on-condition repairs or for the alternative inspections specified in this 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

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2024–06–01 The Boeing Company: Amendment 39–22706; Docket No. FAA–2023–1413; Project Identifier AD–2023–00087–T.

(a) Effective Date

This airworthiness directive (AD) is effective May 22, 2024.

(b) Affected ADs

None.

(c) Applicability

(1) This AD applies to The Boeing Company Model 737–600, –700, –700C, –800, –900 and –900ER airplanes, certificated in any category, as identified in Boeing Alert Requirements Bulletin 737–53A1407 RB, dated December 20, 2022.

(2) Installation of Supplemental Type Certificate (STC) ST00830SE does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST00830SE is installed, a ''change in product'' alternative method of compliance

(AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by reports of cracks in the forward galley door cutout forward upper corner bear strap. The FAA is issuing this AD to address cracks in the fuselage skin and bear strap, which could increase in length until the fuselage skin and bear strap severs. If not detected and corrected, a severed fuselage skin and bear strap may lead to the inability of the principal structural element (PSE) to sustain limit loads and may result in rapid decompression of the fuselage and loss of structural integrity.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 737–53A1407 RB, dated December 20, 2022, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 737–53A1407 RB, dated December 20, 2022.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 737–53A1407, dated December 20, 2022, which is referred to in Boeing Alert Requirements Bulletin 737–53A1407 RB, dated December 20, 2022.

(h) Exceptions to Service Information Specifications

(1) Where the Compliance Time columns of the tables in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 737–53A1407 RB, dated December 20, 2022, refer to the original issue date of Requirements Bulletin 737–53A1407 RB, this AD requires using the effective date of this AD.

(2) Where Boeing Alert Requirements Bulletin 737–53A1407 RB, dated December 20, 2022, specifies contacting Boeing for repair instructions or for alternative inspections, this AD requires doing the repair, or doing the alternative inspections and applicable on-condition actions, using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(3) Where the Compliance Time columns of the tables in the ''Compliance'' paragraph and the Condition columns and flag notes of the tables in the ''Compliance'' and ''Accomplishment Instructions'' paragraphs of Boeing Alert Requirements Bulletin 737–53A1407 RB, dated December 20, 2022, use the phrase ''737NG SRM 53–10–01 REPAIR 6 DATED MARCH 10, 2020,'' this AD requires replacing that text with ''737NG SRM 53–10–01 Repair 6 dated March 10, 2020, or later-approved versions.''

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, AIR–520, Continued Operational Safety 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 certification office, send it to the attention of the person identified in paragraph (j)(1) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov*.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, AIR–520, Continued Operational Safety Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(j) Related Information

(1) For more information about this AD, contact Owen Bley-Male, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3992; email: *owen.f.bley-male@faa.gov*.

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraph (k)(3) of this AD

(k) Material Incorporated by Reference

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

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

(i) Boeing Alert Requirements Bulletin 737–53A1407 RB, dated December 20, 2022.

(ii) [Reserved]

(3) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website *myboeingfleet.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 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 12, 2024.

Victor Wicklund,

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

[FR Doc. 2024–08104 Filed 4–16–24; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2023–2135; Project Identifier MCAI–2023–00509–T; Amendment 39–22701; AD 2024–05–10]

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: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes. This AD was prompted by a report of multiple occurrences of low clearance or fouling between certain wiring harnesses and a hydraulic bracket and structure in the wing trailing edge area that were detected on the production line. This AD requires inspecting certain wiring harnesses for any damage and clearance to adjacent structure and corrective actions, as specified in a Transport Canada AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 22, 2024.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 22, 2024.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2023–2135; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For material incorporated by reference 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;* website *tc.canada.ca/en/aviation*.
- 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. It is also available in the AD docket at *regulations.gov* under Docket No. FAA–2023–2135.

FOR FURTHER INFORMATION CONTACT: Gabriel Kim, 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:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes. The NPRM published in the **Federal Register** on October 27, 2023 (88 FR 73772). The NPRM was prompted by AD CF–2023–20, dated March 22, 2023, issued by Transport Canada, which is the aviation authority for Canada (Transport Canada AD CF–2023–20) (also referred to as the MCAI). The MCAI states that multiple occurrences of low clearance or fouling between certain wiring harnesses and a hydraulic bracket and structure in the wing trailing edge area were detected on the production line. These conditions were caused by an inappropriate distribution of slack in the wiring harnesses. Low clearance or fouling between the wiring harnesses and adjacent structure could result in wear of the harnesses leading to electrical arcing. Arcing in the presence of a leak from the hydraulic lines in the area could lead to a fire.

In the NPRM, the FAA proposed to require inspecting certain wiring harnesses for any damage and clearance to adjacent structure and corrective actions, as specified in Transport Canada AD CF–2023–20. The NPRM also proposed to require an inspection report. The FAA is issuing 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–2023–2135.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from Delta Air Lines (Delta). The following presents the comments received on the NPRM and the FAA's response to each comment.

Request to Correct Left- and Right-Side References in Figures

Delta requested that an exception be added to paragraph (h) of the proposed AD to correct mis-labeled figures and part numbers. Delta stated that figures have been labeled as being for the right-hand side when the figures actually shows the left-hand side. Delta also provided a table of the part numbers as identified in the service information and what the correct part number should be. Delta stated that it found these errors while accomplishing the proposed requirements, sent the information to Airbus Canada, and received confirmation from Airbus Canada of the errors and that the errors would be fixed in a later revision of service information. Delta proposed language to be inserted into the proposed AD and included the phrase ''or later revision'' to allow use of service information containing the correct location and part numbers.

The FAA agrees to add paragraph (h)(4) and table 1 to this AD to specify the errors and provide the correct location and part number information. The FAA also agrees to allow use of later approved service information, as explained under ''Request to Allow Use of Later Revision of Service Information'' of this final rule.

Request to Allow Use of Later Revision of Service Information

Delta requested that the proposed AD be revised to allow ''or later revisions of the service information required by the MCAI.'' Delta explained that it anticipates the release of a new revision that contains corrections discussed above.

The FAA agrees. The FAA has coordinated with Transport Canada and added a new exception in paragraph (h)(5) of this AD.

Request To Add an Exception That Defines Inspection Area

Delta requested adding an exception to paragraph (h) of the proposed AD that would more narrowly define the inspection area described by paragraph B. of Transport Canada AD CF–2023–20. Delta stated that paragraph B. of Transport Canada AD CF–2023–20 is vague and implies a wider inspection area than that defined by Airbus Canada Service Bulletin BD500–240012, Issue 003, dated March 17, 2023.

The FAA disagrees. Paragraph B. of Transport Canada AD CF–2023–20 refers to ''inspected harnesses,'' which narrows the affected area to the specified harnesses that were inspected using the specifications of Paragraph A of Transport Canada AD CF–2023–20. Paragraph A of Transport Canada AD CF–2023–20 specifies using the inspection procedures described in Airbus Canada Service Bulletin BD500–240012, Issue 003, dated March 17, 2023. The FAA has not revised this AD in this regard.

Additional Changes Made to This Final Rule

References to an inspection report, which were inadvertently included in the preamble of the NPRM, have been removed from this final rule.

Conclusion

This product has been approved by the aviation authority of another country and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA reviewed the relevant data, considered the comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on this product. Except for minor editorial changes, and any other changes described previously, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Related Service Information Under 1 CFR Part 51

Transport Canada AD CF–2023–20 specifies procedures for inspecting certain wiring harnesses for damage and clearance to adjacent structure and corrective actions. Corrective actions include adjustment of wiring harnesses, replacing damaged braid sleeves, and contacting the manufacturer for repair instructions for worn or damaged harnesses. 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 the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 157 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Up to 7 work-hours × $85 per hour = Up to $595	$0	Up to $595	Up to $93,415

The FAA has received no definitive data on which to base the cost estimates for the on-condition actions specified in this 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

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2024–05–10 Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.): Amendment 39–22701; Docket No. FAA–2023–2135; Project Identifier MCAI–2023–00509–T.

(a) Effective Date

This airworthiness directive (AD) is effective May 22, 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–2023–20, dated March 22, 2023 (Transport Canada AD CF–2023–20).

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a report of multiple occurrences of low clearance or fouling between certain wiring harnesses and a hydraulic bracket and structure in the wing trailing edge area that were detected on the production line. The FAA is issuing this AD to address inappropriate distribution of slack in the wiring harness. The unsafe condition, if not addressed, could result in wear of the harnesses, leading to electrical arcing. Arcing in the presence of a leak from the hydraulic lines in the area could lead to a fire.

(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–2023–20.

(h) Exceptions to Transport Canada AD CF–2023–20

(1) Where Transport Canada AD CF–2023–20 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where Transport Canada AD CF–2023–20 refers to hours air time, this AD requires using flight hours.

(3) Where paragraph A. of Transport Canada AD CF–2023–20 states to "adjust as required," this AD requires that all applicable adjustments must be done before further flight.

(4) Where Transport Canada AD CF–2023–20 specifies actions using Airbus Canada Service Bulletin BD500–240012, Issue 003, dated March 17, 2023, this AD requires adding the information in figure 1 to paragraph (h)(4) of this AD to paragraph A. of Transport Canada AD CF–2023–20.

Figure 1 to paragraph (h)(4)—Corrections To Service Information Figures

Location of Error	Erroneous text	Correct text
Figure 1 (Sheet 1 of 2)	"RIGHT SIDE SHOWN, LEFT SIDE OPPOSITE"	"LEFT SIDE SHOWN, RIGHT SIDE OPPOSITE"
Figure 1 (Sheet 1 of 2)	CPYTG2039 (REF)	CPWTG2032
Figure 1 (Sheet 1 of 2)	CPYTH2041 (REF)	CPWTH2034
Figure 1 (Sheet 2 of 2)	CPYTG2039 (REF)	CPWTG2032
Figure 1 (Sheet 2 of 2)	CPYTH2041 (REF)	CPWTH2034
Figure 2 (Sheet 1 of 2)	"RIGHT SIDE SHOWN, LEFT SIDE OPPOSITE"	"LEFT SIDE SHOWN, RIGHT SIDE OPPOSITE"
Figure 2 (Sheet 1 of 2)	CPYTG2039 (REF)	CPWTG2032
Figure 2 (Sheet 1 of 2)	CPYTH2041 (REF)	CPWTH2034
Figure 2 (Sheet 2 of 2)	CPYTG2039 (REF)	CPWTG2032
Figure 2 (Sheet 2 of 2)	CPYTH2041 (REF)	CPWTH2034
Figure 3 (Sheet 1 of 2)	CPYTG2039 (REF) "	CPWTG2032
Figure 3 (Sheet 1 of 2)	CPYTH2041 (REF)	CPWTH2034
Figure 3 (Sheet 1 of 2)	"RIGHT SIDE SHOWN, LEFT SIDE OPPOSITE"	"LEFT SIDE SHOWN, RIGHT SIDE OPPOSITE"
Figure 4 (Sheet 1 of 2)	CPYTG2039 (REF)	CPWTG2032
Figure 4 (Sheet 1 of 2)	CPYTH2041 (REF)	CPWTH2034
Figure 4 (Sheet 1 of 2)	"RIGHT SIDE SHOWN, LEFT SIDE OPPOSITE"	"LEFT SIDE SHOWN, RIGHT SIDE OPPOSITE"
Figure 4 (Sheet 2 of 2)	CPYTG2039 (REF)	CPWTG2032
Figure 4 (Sheet 2 of 2)	CPYTH2041 (REF)	CPWTH2034

(5) Where paragraph A. of Transport Canada AD CF–2023–20 specifies ''Airbus Canada Service Bulletin (SB) BD500–240012, Issue 003, dated 17 March 2023,'' this AD requires replacing that text with ''Airbus Canada Service Bulletin (SB) BD500–240012, Issue 003, dated 17 March 2023, or later revision approved by Transport Canada.''

(i) Additional AD Provisions

The following provisions also apply to this AD:

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

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, International Validation Branch, FAA; or Transport Canada; or Airbus Canada Limited Partnership's 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 that are identified as RC, those procedures must be done to comply with this AD; any procedures that are not identified as RC are recommended. Those procedures 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 identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures identified as RC require approval of an AMOC.

(j) Additional Information

For more information about this AD, contact Gabriel Kim, 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) Transport Canada AD CF–2023–20, dated March 22, 2023.

(ii) [Reserved]

(3) For Transport Canada AD CF–2023–20, 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 4, 2024.

Victor Wicklund,

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

[FR Doc. 2024–08102 Filed 4–16–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2023–2400; Project Identifier MCAI–2023–00782–T; Amendment 39–22715; AD 2024–06–10]

RIN 2120–AA64

Airworthiness Directives; BAE Systems (Operations) Limited Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2022–25–18, which applied to certain BAE Systems (Operations) Limited Model BAe 146 and Model Avro 146–RJ series airplanes. AD 2022–25–18 required repetitive inspections for cracking of the main landing gear (MLG) side stay outer link and replacement if necessary. This AD was prompted by additional investigations of the causes of the cracking being conducted. This AD requires a reduction of the repetitive visual inspection interval, provides optional repetitive special detailed inspections, and requires accomplishing a one-off dimensional tolerance check and performing a repetitive lubrication of the MLG side stay outer link pivot, as specified in United Kingdom (U.K.) Civil Aviation Authority (CAA) (U.K. CAA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective May 22, 2024.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of May 22, 2024.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2023–2400; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For U.K. CAA material incorporated by reference in this AD, contact Civil Aviation Authority, Aviation House, Beehive Ring Road, Crawley, West Sussex RH6 0YR, United Kingdom; telephone +44(0) 330 022 4401; email *continued.airworthiness@caa.co.uk;* website *caa.co.uk.*
- For BAE Systems (Operations) Limited service information identified in this AD, contact BAE Systems (Operations) Limited, Customer Information Department, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland, United Kingdom; telephone +44 1292 675207; fax +44 1292 675704; email *RApublications@baesystems.com;* website *regional-services.com.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th Street, Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

FOR FURTHER INFORMATION CONTACT: Todd Thompson, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 206–231–3228; email *todd.thompson@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2022–25–18, Amendment 39–22274 (87 FR 75915, December 12, 2022; corrected December 27, 2022 (87 FR 79236)) (AD 2022–25–18). AD 2022–25–18 applied to certain BAE Systems (Operations) Limited Model BAe 146 and Model Avro 146–RJ series airplanes. AD 2022–25–18 required repetitive inspections for cracking of the MLG side stay outer link and replacement if necessary. The FAA issued AD 2022–25–18 to address cracking on the shoulders of an MLG side stay outer link. The unsafe condition, if not addressed, could lead to failure of the MLG side stay outer link and MLG collapse, which could result in a runway departure and the engine or wing contacting the ground. The engine or wing contacting the ground could result in damage to the airplane, an increased risk of fire, the airplane flipping, and injury to occupants.

The NPRM published in the **Federal Register** on December 27, 2023 (88 FR 89339). The NPRM was prompted by AD G–2023–0004R1, dated November 16, 2023 (U.K. CAA AD G–2023–004R1) (also referred to as the MCAI), issued by U.K. CAA, which is the aviation authority for the United Kingdom. The MCAI states that further investigation resulted in a reduced repetitive detailed visual inspection interval and an option to do repetitive special detailed inspections; a new requirement for a one-time dimensional tolerance check; and a requirement to perform a repetitive lubrication of the MLG side stay outer link pivot.

In the NPRM, the FAA proposed to require a reduction of the repetitive visual inspection interval, provide optional repetitive special detailed inspections, and require accomplishing a one-off dimensional tolerance check and performing a repetitive lubrication of the MLG side stay outer link pivot, as specified in U.K. CAA AD G–2023–0004R1. The FAA is issuing 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–2023–2400.

Discussion of Final Airworthiness Directive

Comments

The FAA received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

This product has been approved by the aviation authority of another country and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA reviewed the relevant data and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on this product. Except for minor editorial changes, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Related Service Information Under 1 CFR Part 51

U.K. CAA AD G–2023–004R1 specifies procedures for doing repetitive detailed visual inspections or special detailed inspections for cracking of the MLG side stay outer link and replacement if necessary; a one-time dimensional tolerance check of the MLG side stay outer link and corrective actions including replacement if necessary: and repetitive lubrication of the MLG side stay outer link pivot.

The FAA reviewed BAE Systems (Operations) Limited Alert Service Bulletin ASB.32–A189, Revision 2, dated August 3, 2023. This service information describes procedures for doing, among other actions, detailed visual inspections and special detailed inspections (fluorescent dye penetrant) for cracking of the MLG side stay outer link, replacement of the side stay outer link; a one-time dimensional tolerance check of the MLG side stay outer link; removing the side stay outer link and contacting the manufacturer; re-applying protective treatment/paint; and lubrication of the MLG side stay outer link pivot.

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 the **ADDRESSES** section.

Interim Action

The FAA considers that this AD is an interim action. If final action is later identified, the FAA might consider further rulemaking then.

Costs of Compliance

The FAA estimates that this AD affects 20 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S operators
2 work-hours × $85 per hour = $170	$0	$170	$3,400

ESTIMATED COSTS FOR ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
Up to 5 work-hours × $85 per hour = Up to $425	Up to $3,000	Up to $3,425.

Authority for This Rulemaking

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

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

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing airworthiness directive 2022–25–18, Amendment 39–22274 (87 FR 75915, December 12, 2022; corrected December 27, 2022 (87 FR 79236)); and

■ b. Adding the following new airworthiness directive:

2024–06–10 BAE Systems (Operations) Limited: Amendment 39–22715; Docket No. FAA–2023–2400; Project Identifier MCAI–2023–00782–T.

(a) Effective Date

This airworthiness directive (AD) is effective May 22, 2024.

(b) Affected ADs

This AD replaces AD 2022–25–18, Amendment 39–22274 (87 FR 75915, December 12, 2022; corrected December 27, 2022 (87 FR 79236)).

(c) Applicability

This AD applies to all BAE Systems (Operations) Limited Model BAe 146–100A, –200A, and –300A airplanes and Model Avro 146–RJ70A, 146–RJ85A, and 146–RJ100A airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 32, Landing gear.

(e) Unsafe Condition

This AD was prompted by reports of cracking on the shoulders of a main landing gear (MLG) side stay outer link. The FAA is issuing this AD to address cracking of the MLG side stay outer link. The unsafe condition, if not addressed, could lead to failure of the MLG side stay outer link and MLG collapse, which could result in a runway departure and the engine or wing contacting the ground. The engine or wing contacting the ground could result in damage to the airplane, an increased risk of fire, the airplane flipping, and injury to occupants.

(f) Compliance

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

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, United Kingdom (U.K.) Civil Aviation Authority (CAA) (U.K. CAA) AD G–2023–0004R1, dated November 16, 2023 (U.K. CAA AD G–2023–0004R1).

(h) Exceptions to U.K. CAA AD G–2023–0004R1

(1) Where U.K. CAA AD G–2023–0004R1 refers to July 7, 2023 (the effective date of U.K. CAA AD G–2023–0004 at original issue), this AD requires using the effective date of this AD.

(2) This AD does not adopt the paragraph that begins with ''Required as indicated, unless accomplished previously in accordance with ASB.32–A189 . . .'' and the Note that begins with ''Prior accomplishment of inspection requirements . . .'' specified in ''Required Actions(s) and Compliance Time(s)'' of U.K. CAA AD G–2023–0004R1.

(3) Where U.K. CAA AD G–2023–0004R1 refers to ''ASB,'' ''the ASB,'' or ''ASB.32–A189 Revision 2,'' this AD requires using BAE Systems (Operations) Limited Alert Service Bulletin ASB.32–A189, Revision 2, dated August 3, 2023.

(4) Where U.K. CAA AD G–2023–0004R1 specifies a detailed visual inspection ''every 500 flights or 6 months (whichever occurs first),'' for this AD, replace that text with ''repeat at intervals not to exceed 500 flight cycles or 6 months, whichever occurs first.''

(5) Where U.K. CAA AD G–2023–0004R1 specifies a special detailed inspection ''every 1200 flights or 12 months (whichever occurs first),'' for this AD, replace that text with ''repeat at intervals not to exceed 1,200 flight cycles or 12 months, whichever occurs first.''

(6) Where U.K. CAA AD G–2023–0004R1 specifies ''in accordance with the dimensional limits provided in Appendix 2 then Safran Landing Systems must be contacted to provide further instructions,'' this AD requires ''before further flight, repair using a method approved by the Manager, International Validation Branch, FAA; or the U.K. CAA; or BAE Systems (Operations) Limited's U.K. CAA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.''

(7) Where U.K. CAA AD G–2023–0004R1 specifies the lubrication of the MLG sidestay outer link pivots ''every 500 flights or 6 months (whichever occurs first),'' for this AD, replace that text with ''at intervals not to exceed 500 flight cycles or 6 months, whichever occurs first.''

(8) Where paragraph (5) of U.K. CAA AD G–2023–0004R1 specifies ''as required by paragraphs (1) and (2) of this AD,'' for this AD, replace that text with ''as required by paragraphs (1), (2), and (3) of this AD.''

(9) Where the Note in paragraph (5) of U.K. CAA AD G–2023–0004R1 specifies ''the part must have been inspected in accordance with paragraph (1) of this AD and a one-off dimensional check, airworthiness assessment and reporting performed in accordance with paragraph (2) of this AD,'' for this AD, replace that text with ''the part must have been inspected in accordance with paragraph (1) or (2) of this AD and a one-off dimensional check and airworthiness assessment performed in accordance with paragraph (3) of this AD.''

(10) This AD does not adopt the ''Remarks'' section of U.K. CAA AD G–2023–0004R1.

(i) No Reporting Requirement

Although U.K. CAA AD G–2023–0004R1 and BAE Systems (Operations) Limited Alert Service Bulletin ASB.32–A189, Revision 2, dated August 3, 2023, specify to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Credit for Previous Actions

(1) This paragraph provides credit for actions required by paragraph (1) of U.K. CAA AD G–2023–0004R1, if those actions were performed before the effective date of this AD using BAE Systems (Operations) Limited Alert Service Bulletin ASB.32–A189, dated September 16, 2022, which was incorporated by reference in AD 2022–25–18, Amendment 39–22274 (87 FR 75915, December 12, 2022; corrected December 27, 2022 (87 FR 79236)); or BAE Systems (Operations) Limited Alert Service Bulletin ASB.32–A189, Revision 1, dated March 13, 2023, which is not incorporated by reference in this AD.

(2) This paragraph provides credit for actions required by paragraph (3) of U.K. CAA AD G–2023–0004R1, if those actions were performed before the effective date of this AD using BAE Systems (Operations) Limited Alert Service Bulletin ASB.32–A189, Revision 1, dated March 13, 2023, which is not incorporated by reference in this AD.

(k) 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 (l)(1) of this AD or email to: *9-AVS-AIR-730-AMOC@faa.gov.* If mailing information, also submit information by email. 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 the U.K. CAA; or BAE Systems (Operations) Limited's U.K. CAA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(l) Additional Information

(1) For more information about this AD, contact Todd Thompson, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 206–231–3228; email *todd.thompson@faa.gov.*

(2) Service information identified in this AD that is not incorporated by reference is available at the address specified in paragraph (m)(4) of this AD.

(m) 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) BAE Systems (Operations) Limited Alert Service Bulletin ASB.32–A189, Revision 2, dated August 3, 2023.

(ii) United Kingdom Civil Aviation Authority (U.K. CAA) AD G–2023–0004R1, dated November 16, 2023.

(3) For U.K. CAA AD G–2023–0004R1, contact Civil Aviation Authority, Aviation House, Beehive Ring Road, Crawley, West Sussex RH6 0YR, United Kingdom; telephone +44(0) 330 022 4401; email *continued.airworthiness@caa.co.uk;* website *caa.co.uk.*

(4) For BAE Systems (Operations) Limited service information, contact BAE Systems (Operations) Limited, Customer Information Department, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland, United Kingdom; telephone +44 1292 675207; fax +44 1292 675704; email *RApublications@baesystems.com;* website *regional-services.com.*

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

(6) 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 19, 2024.

Victor Wicklund,

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

[FR Doc. 2024–08108 Filed 4–16–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 541

Zimbabwe Sanctions Regulations

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is removing from the Code of Federal Regulations the Zimbabwe Sanctions Regulations as a result of the termination of the national emergency on which the regulations were based.

DATES: This rule is effective April 17, 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: *www.treasury.gov/ofac.*

Background

On March 6, 2003, the President, invoking the authority of, *inter alia,* the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) (IEEPA), issued Executive Order (E.O.) 13288, ''Blocking Property of Persons Undermining Democratic Processes or Institutions in Zimbabwe'' (68 FR 11457, March 10, 2003). In E.O. 13288, the President determined that the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions, contributing to the deliberate breakdown in the rule of law in Zimbabwe, to politically motivated violence and intimidation in that country, and to political and economic instability in the southern African region, constituted an unusual and extraordinary threat to the foreign policy of the United States, and declared a national emergency to deal with that threat. In E.O. 13391, ''Blocking Property of Additional Persons Undermining Democratic Processes or Institutions in Zimbabwe'' (70 FR 71201, November 25, 2005), the President took additional steps with respect to the continued actions and policies of certain persons who undermine Zimbabwe's democratic processes and with respect to the national emergency described and declared in E.O. 13288. The President additionally expanded the scope of the national emergency with respect to Zimbabwe in E.O. 13469, ''Blocking Property of Additional Persons Undermining Democratic Processes or Institutions in Zimbabwe'' (73 FR 43841, July 29, 2008).

On July 29, 2004, OFAC issued the Zimbabwe Sanctions Regulations, 31 CFR part 541 (69 FR 45246, July 29, 2004) (the ''Regulations''), as an interim final rule to implement E.O. 13288. The Regulations were issued in abbreviated form for the purpose of providing immediate guidance to the public. On July 10, 2014, the Regulations were adopted as a final rule, with changes to implement the two later Executive orders and update the Regulations (79 FR 39312, July 10, 2014). Subsequently, the Regulations were amended multiple times, most recently on January 12, 2024 (89 FR 2142, January 12, 2024).

On March 4, 2024, the President issued E.O. 14118, ''Termination of Emergency with Respect to the Situation in Zimbabwe'' (89 FR 15945, March 5, 2024). In E.O. 14118, the President found that the national emergency declared in E.O. 13288, as relied upon for additional steps taken in E.O. 13391, and as expanded by E.O. 13469, should no longer be in effect. Accordingly, the President terminated the national emergency declared in E.O. 13288 and revoked that order, E.O. 13391, and E.O. 13469.

As a result, OFAC is removing the Regulations from the Code of Federal Regulations. Pursuant to section 202(a) of the National Emergencies Act (50 U.S.C. 1622(a)) and section 1 of E.O. 14118, termination of the national emergency declared in E.O. 13288, as modified by E.O. 13391 and E.O. 13469, shall not affect any action taken or proceeding pending not finally concluded or determined as of March 4, 2024 (the date of E.O. 14118), any action or proceeding based on any act committed prior to the date of E.O. 14118, or any rights or duties that matured or penalties that were incurred prior to the date of E.O. 14118.

Public Participation

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

Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this rule does not impose information collection requirements that would require the approval of the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

List of Subjects in 31 CFR Part 541

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

PART 541—[REMOVED]

■ For the reasons set forth in the preamble, and pursuant to 50 U.S.C. 1601–1651 and E.O. 14118 (89 FR 15945, March 5, 2024), OFAC amends 31 CFR chapter V by removing part 541.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2024–08144 Filed 4–16–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2024–0311]

Special Local Regulations; Marine Events in the Coast Guard Sector Detroit Captain of the Port Zone—April to September 2024

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce various special local regulations for annual regattas and marine parades on dates between April 27, 2024, and September 1, 2024, in the Captain of the

Port Detroit zone. Enforcement of these regulations is necessary and intended to ensure safety of life on the navigable waters immediately prior to, during, and after these regattas or marine parades. During the aforementioned period, the Coast Guard will enforce restrictions upon, and control movement of, vessels in a specified area immediately prior to, during, and after regattas or marine parades.

DATES: The Coast Guard will enforce the regulations in 33 CFR 100.911 on the dates and times specified in the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email Tracy Girard, Prevention Department, U.S. Coast Guard; telephone (313) 568–9564, email *Tracy.M.Girard@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce multiple safety zones for annual events in the Captain of the Port Detroit Zone listed in 33 CFR 100.911, Table 1 to § 100.911:

(1) *Hebda Cup Rowing Regatta Event (Wyandotte, MI)*—enforced from 7 a.m. through 3 p.m. on April 27, 2024.

(2) *Wy-Hi Rowing Regatta (Wyandotte, MI)*—enforced from 7 a.m. through 3 p.m. on May 4, 2024.

(3) *Swim Across America (formerly known as Motor City Mile, Detroit, MI)*—from 6 a.m. through 12 p.m. on July 12, 2024.

(4) *Bay City Grand Prix Powerboat races* from 7 a.m. through 7 p.m. from July 12 through July 14, 2024.

(5) *St. Clair River Classic Power Boat Race (St. Clair, MI)*—from 10 a.m. through 7 p.m. on July 28, 2024.

(6) *Detroit Hydrofest Power Boat Race, (Detroit, MI)*—from 7 a.m. on August 23, 2024, through 7 p.m. on August 25, 2024.

(7) *Michigan Championships Swimming Event (Detroit, MI)*—from 7:30 a.m. through 11:30 a.m. on September 1, 2024.

In accordance with the requirements of 33 CFR 100.911, entry into, transiting, or anchoring within these regulated areas during the enforcement periods is prohibited unless authorized by the Coast Guard patrol commander (PATCOM). Those seeking permission to enter the safety zone may request permission from the PATCOM. Vessels permitted to enter this regulated area must operate at a no-wake speed and in a manner that will not endanger race participants or any other craft.

The PATCOM may direct the anchoring, mooring, or movement of any vessel within this regulated area. A succession of sharp, short signals by whistle or horn from vessels patrolling the area under the direction of the PATCOM shall serve as a signal to stop. Vessels so signaled shall stop and shall comply with the orders of the PATCOM. Failure to do so may result in expulsion from the area, a Notice of Violation for failure to comply, or both. Additionally, vessels shall yield right-of-way for event participants and event safety craft and shall follow directions given by the Coast Guard's on-scene representative or by event representatives during the event.

If it is deemed necessary for the protection of life and property, the PATCOM may terminate the marine event or the operation of any vessel within the regulated area.

In accordance with the general regulations in § 100.40, the Coast Guard will patrol the regatta area under the direction of a designated Coast Guard Patrol Commander (PATCOM). The PATCOM, or his designated ''on-scene representative'', may be contacted on Channel 16 (156.8 MHz) by the call sign ''Coast Guard Patrol Commander.''

This document is issued under authority of 33 CFR 100.35 and 5 U.S.C. 552(a). In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via Broadcast Notice to Mariners or Local Notice to Mariners. If the Captain of the Port determines that any of these special local regulations need not be enforced for the full duration stated in this document, he may suspend such enforcement and notify the public of the suspension via a Broadcast Notice to Mariners.

Dated: April 10, 2024.

Richard P. Armstrong,

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

[FR Doc. 2024–08145 Filed 4–16–24; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2024–0322]

RIN 1625–AA08

Special Local Regulations; Marine Events Within the Fifth Coast Guard District

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

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce special local regulations for a recurring marine event in the Fifth Coast Guard District to provide for the safety of life on navigable waterways from June 7 to 9, 2024. Our regulation for marine events within the Fifth Coast Guard District identifies the regulated area for this event (the Ocean City Offshore Grand Prix) in Ocean City, MD. During the enforcement periods, the operator of any vessel in the regulated area must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

DATES: The regulations in 33 CFR 100.501 for the Ocean City Offshore Grand Prix will be enforced from 9 a.m. until 5 p.m., each day from June 7, 2024, through June 9, 2024.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call, or email LCDR Kate Newkirk, Waterways Management Division, Sector Maryland-National Capital Region, U.S. Coast Guard; telephone (410) 579–2519, email *Kate.M.Newkirk@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce special local regulations in 33 CFR 100.501 for the Ocean City Offshore Grand Prix regulated area from 9 a.m. to 5 p.m. on June 7th, 8th, and 9th, 2024. Although § 100.501 provides enforcement periods for this event in May and September, paragraph (g) of that section states that an event may be conducted within 30 days before or after the date(s) listed, and that changes to the enforcement period(s) for that event will be noticed in the **Federal Register** and announced in the Local Notices to Mariners and Broadcast Notice to Mariners. The June enforcement periods provide for the safety of life on navigable waterways during this 3-day powerboat event. Table 2 to paragraph (i)(2) of § 100.501 specifies the exact location of the regulated area, which is in Ocean City, MD. As provided in paragraph (c) of § 100.501, the operators of vessels in the regulated area must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

In addition to this notification of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via the Local Notice to Mariners, marine information broadcasts, local radio stations and area newspapers.

Dated: April 12, 2024.

David E. O'Connell,

Captain, U.S. Coast Guard, Captain of the Port Sector Maryland-National Capital Region.

[FR Doc. 2024–08214 Filed 4–16–24; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2024–0294]

RIN 1625–AA00

Safety Zone; Presque Isle Bay, Erie, PA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters within a 583-foot radius of the northern tip of Dobbins Landing in Erie, PA. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by the fireworks display. During the enforcement period, no person or vessel may enter the respective safety zone without the permission of the Captain of the Port Eastern Great Lakes or a designated representative.

DATES: The rule is effective from 8:30 p.m. through 11:30 p.m., April 24, 2024.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2024–0294 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 LT William Kelley, Waterways Management at sector Eastern Great Lakes, U.S. Coast Guard; telephone 716–253–7299, email *D09-SMB-SECBuffalo-WWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
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 the event sponsor did not submit notice of the fireworks display to the Coast Guard with sufficient time remaining before the event to publish an NPRM. Delaying the effective date of this rule to wait for a comment period to run would be impracticable and contrary to the public interest by inhibiting the Coast Guard's ability to protect spectators and vessels from the hazards associated with this firework display.

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**. For the same reasons discussed in the preceding paragraph, waiting for a 30-day notice period to run would be impracticable and contrary to the public interest.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The Captain of the Port Eastern Great Lakes (COTP) has determined that fireworks over the water presents significant risks to public safety and property. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the fireworks display is taking place.

IV. Discussion of the Rule

This rule establishes a safety zone from 8:30 p.m. through 11:30 p.m. on April 24, 2024. The safety zone will cover all navigable waters within a 583-foot radius of land launched fireworks over the Presque Isle Bay in Erie, PA at 42°08′19.87″ N 80°05′29.54″ W. The duration of the zone is intended to protect spectators, vessels, and the marine environment in these navigable waters during the fireworks display. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP Eastern Great Lakes 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, location. Duration, and time-of-day of the safety zone. The safety zone will encompass a 583-foot radius of land launched fireworks in the Presque Isle Bay in Erie, PA lasting approximately three hours during the evening when vessel traffic is normally low. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone, and the rule would allow vessels to seek permission to enter the zone.

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 safety zone lasting approximately three hours that will prohibit entry within a 583-foot radius in Presque Isle Bay in Erie, PA for a fireworks display. It is categorically excluded from further review under paragraph L60(a) 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.T2024–0294 to read as follows:

§ 165.T2024–0294 Safety Zone; Presque Isle Bay, Erie, PA.

(a) *Location.* The following area is a safety zone: All waters of Presque Isle Bay, from surface to bottom, encompassed by a 583-foot radius around 42°08′19.87″ N 80°05′29.54″ 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 Captain of the Port Eastern Great Lakes (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23, entry into, transiting, or anchoring within the safety zone described in paragraph (a) of this section is prohibited unless authorized by the COTP or a designated representative.

(2) Vessel operators desiring to enter or operate within the safety zone must contact the COTP or their designated representative to obtain permission to do so. The COTP or their designated representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the COTP Eastern Great Lakes, or their designated representative.

(d) *Enforcement period.* The regulated area described in paragraph (a) of this section is effective from 8:30 p.m. through 11:30 p.m. on April 24, 2024.

Dated: April 5, 2024.

M.I. Kuperman,

Captain, U.S. Coast Guard, Captain of the Port Eastern Great Lakes.

[FR Doc. 2024–08139 Filed 4–16–24; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2024–0293]

RIN 1625–AA00

Safety Zone; Gordie Howe Bridge Construction, Detroit River; Detroit, MI

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

ACTION: Interim final rule and request for comments.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters on the Detroit River, Detroit, MI. The safety zone is necessary and intended to protect personnel, vessels, and the marine environment from potential falling hazards created by the construction of the Gordie Howe Bridge. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Detroit, or his designated representative.

DATES:

Effective date: This rule is effective without actual notice from April 17, 2024, through 8 p.m. on July 31, 2024. For the purposes of enforcement, actual notice will be used from 8 a.m. April 15, 2024, through April 17, 2024.

Comment due date: Comments and related material must be received by the Coast Guard on or before May 15, 2024.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2024–0293 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule. You may submit comments identified by docket number USCG–2024–0293 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.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Tracy Girard, Waterways Department, Sector Detroit, Coast Guard; telephone (313) 568–9564, email *Tracy.M.Girard@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
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 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 the event sponsor notified the Coast Guard with insufficient time to publish an NPRM and immediate action is necessary to protect personnel, vessels, and the marine environment on the Detroit River. It is impracticable and contrary to the public interest to publish a NPRM because we must establish this safety zone by April 15, 2024.

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**. For the same reasons discussed in the preceding paragraph, delaying the effective date of this rule would be impracticable because immediate action is needed to respond to the potential safety hazards associated with a bridge construction zone.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Detroit (COTP) has determined that potential hazards associated with a bridge construction zone will be a safety concern for anyone between the hanging girders on the Gordie Howe Bridge marked by orange visibility markers and 100 feet upriver and 100 feet downriver during active construction. Falling debris into the water presents risks of collisions which could result in serious injuries or fatalities. This rule is necessary to protect personnel, recreational vessels, and the marine environment in the navigable waters within the safety zone during time bridge construction is taking place.

IV. Discussion of the Rule

This rule establishes a moving safety zone from 8 a.m. on April 15, 2024, through 8 p.m. on July 31, 2024. All U.S. navigable waters of the Detroit River between the hanging girders on the Gordie Howe Bridge marked by orange visibility markers and 100 feet upriver and 100 feet downriver during active construction. Commercial vessels will not be affected. The duration of the zone is intended to protect personnel, recreational vessels, and the marine environment in these navigable waters during the construction of the Gordie Howe Bridge. Gordie Howe Bridge construction workers will stop all construction work for the passage of commercial vessels. Recreational vessel's entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Detroit or his designated representative. The Captain of the Port Detroit or his designated representative may be contacted via VHF Channel 16.

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 Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the size, location, and duration of the safety zone. Vessel traffic will be able to safely transit around this safety zone which would impact a small, designated area of the Detroit River during times of work when vessel traffic is normally low. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM Marine Channel 16 about the zone, and the rule would allow vessels to seek permission to enter the zone.

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.

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. If you believe this rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

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 only during active construction work will prohibit entry below an areea where the construction is being conducted. It is categorically excluded from further review under paragraph L[60] 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.

VI. 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–2021–0293 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 rule for alternate instructions. Viewing material in docket. To view documents mentioned in this 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 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 165

Harbors, Marine safety, Navigation (water), Reporting and record keeping 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.T09–0293 to read as follows:

§ 165.T09–0293 Gordie Howe Bridge Construction, Detroit River; Detroit, MI.

(a) *Location.* The following area is a temporary safety zone. All U.S. navigable waters of the Detroit River between the hanging girders on the Gordie Howe Bridge marked by orange visibility markers and 100 feet upriver and 100 feet downriver during active construction. Commercial vessels will not be affected.

(b) *Enforcement period.* This section will be in effect at 8 a.m. on April 15, 2024, until 8 p.m. on July 31, 2024, and will be enforced for recreational vessels during times of construction when the Captain of the Port Detroit (COTP) deems it necessary. The Captain of the Port Detroit, or a designated representative may suspend

enforcement of the safety zone at any time.

(c) *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 COTP in the enforcement of the safety zone.

(d) *Regulations.* (1) In accordance with the general regulations in § 165.23, entry into, transiting, or anchoring within the safety zone in paragraph (a) of this section is prohibited unless authorized by the Captain of the Port Detroit or his designated representative.

(2) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port Detroit or his designated representative to obtain permission to do so. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Detroit or his designated representative. The COTP Detroit or his designated representative may be contacted via VHF Channel 16.

Dated: April 10, 2024.

Richard P. Armstrong,

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

[FR Doc. 2024–08146 Filed 4–16–24; 8:45 am]

BILLING CODE 9110–04–P

POSTAL SERVICE

39 CFR Part 20

Changes in Classifications of General Applicability for International Competitive Services

AGENCY: Postal Service™.

ACTION: Final action.

SUMMARY: The Postal Service™ is revising *Mailing Standards of the United States Postal Service,* International Mail Manual (IMM®), and Notice 123, *Price List,* to reflect classification changes to Competitive services, as established by the Governors of the United States Postal Service.

DATES: Effective July 14, 2024.

FOR FURTHER INFORMATION CONTACT: Dale Kennedy at 202–268–6592 or Kathy Frigo at 202–268–4178.

SUPPLEMENTARY INFORMATION: These changes implement changes in the minimum dimensions for First-Class Package International Service® (FCPIS®), International Priority Airmail® (IPA®) service and International Surface Air Lift® (ISAL®) service letter-post rolls to bring them closer to compliance with standards established by the Universal Postal Union (UPU) Convention Regulations, which serves as applicable authority in this instance, as adopted at a meeting of the UPU Postal Operations Council in May 2023.

To be in compliance with the UPU regulations, the Postal Service must revise its minimum dimensions for international letter-post rolls, so that the minimum length will be 8.25 inches instead of 4 inches, and so that the minimum length plus twice the diameter will be 12 inches instead of 6.75 inches.

In addition, the Postal Service is eliminating a competitive international electronic money transfer service known as Sure Money® (DineroSeguro®).

Revisions to the size limitations for international rolls are posted under Docket No. MC2024–224, and the removal of prices for International Money Transfer Service (*Sure Money*) is posted under Docket Number CP2024–230 and on the Postal Regulatory Commission's website at *http://www.prc.gov.*

This final rule describes the classification changes for the following international competitive services:

- First-Class Package International Service.
- International Money Transfer Service Sure Money (DineroSeguro)

For pricing, see the Postal Explorer website at *https://pe.usps.com.*

First-Class Package International Service

First-Class Package International Service (FCPIS) is an economical international service for small packages not exceeding 4 pounds in weight and $400 in value. The Postal Service is increasing the FCPIS minimum length requirement on rolls from 4 inches to 8.25 inches and increasing the minimum length plus twice the diameter combined from 6¾ inches to 12 inches to align with the standards established by the UPU. International Priority Airmail (IPA) service and International Surface Airlift (ISAL) service packets are also affected by this change since the dimensional requirements for IPA and ISAL are identical to those for FCPIS.

International Extra Services and Fees

The Postal Service is eliminating the competitive international extra service for International Money Transfer Service known as Sure Money (DineroSeguro).

Revise the following sections of the *Mailing Standards of the United States Postal Service,* International Mail Manual (IMM) as follows:

2 Conditions for Mailing

* * * * *

250 First-Class Package International Service

* * * * *

251.23 Dimensions—Rolls

* * * * *

[Revise the text to read as follows:]

Rolls must be within the following dimensions:

a. Minimum length: 8.25 inches.

b. Minimum length plus twice the diameter combined: 12 inches.

* * * * *

370 International Money Transfer Services

* * * * *

[Remove all text and revise the header to reflect ''Reserved'' as follows:]

372 Reserved

* * * * *

We will publish an appropriate amended to 39 CFR part 20 to reflect these changes.

Christopher Doyle,

Attorney, Ethics and Legal Compliance.

[FR Doc. 2024–08140 Filed 4–16–24; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[EPA–HQ–OAR–2003–0156; FRL–7547.3–01–OAR]

RIN 2060–AW14

Other Solid Waste Incinerators; Air Curtain Incinerators Title V Permitting Provisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On August 31, 2020, in accordance with requirements under the Clean Air Act (CAA), the U.S. Environmental Protection Agency (EPA) performed a 5-year review of the Standards of Performance for New Stationary Sources and Emissions Guidelines for Existing Sources: Other Solid Waste Incineration (OSWI) Units, which includes certain very small municipal waste combustion (VSMWC) and institutional waste incineration (IWI) units. In the same action, the EPA

proposed to remove the title V permitting requirements for air curtain incinerators (ACI) that burn only wood waste, clean lumber, yard waste, or a mixture of these three types of waste. In response to supportive comments received on the August 2020 proposal, this action is finalizing, as proposed, to remove the title V permitting requirements for ACIs that only burn wood waste, clean lumber, yard waste, or a mixture of those, and are not located at title V major sources or subject to title V for other reasons. The EPA is finalizing this proposed action now to simplify the compliance obligations for owners and operators of these types of units.

DATES: The effective date of this rule is April 17, 2024.

ADDRESSES: The EPA has established a docket for this rulemaking under Docket ID No. EPA–HQ–OAR–2003–0156. All documents in the docket are listed on the *https://www.regulations.gov/* website. Although listed, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through *https://www.regulations.gov/.*

FOR FURTHER INFORMATION CONTACT: Noel Cope, Sector Policies and Programs Division (E143–05), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, 109 T.W. Alexander Drive, P.O. Box 12055, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–2128; and email address: *cope.noel@epa.gov.*

SUPPLEMENTARY INFORMATION:

Preamble acronyms and abbreviations. We use multiple acronyms and terms in this preamble. While this list may not be exhaustive, to ease the reading of this preamble and for reference purposes, the EPA defines the following terms and acronyms here:

ACI air curtain incinerator
CAA Clean Air Act
CFR Code of Federal Regulations
CRA Congressional Review Act
EPA Environmental Protection Agency
FR Federal Register
IWI institutional waste incineration
MSW municipal solid waste
NTTAA National Technology Transfer and Advancement Act
OSWI other solid waste incineration
PRA Paperwork Reduction Act
VSMWC very small municipal waste combustion

Organization of this document. The information in this preamble is organized as follows:

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J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations and Executive Order 14096: Revitalizing Our Nation's Commitment to Environmental Justice for All
K. Congressional Review Act (CRA)

I. General Information

A. Does this action apply to me?

Categories and entities potentially affected by this action are shown in table 1 of this preamble.

TABLE 1—INDUSTRIAL SOURCE CATEGORIES AFFECTED BY THIS FINAL ACTION

Source category	NAICS code [1]	Examples of potentially regulated entities
Any State, local, or Tribal government using a VSMWC unit.	562213, 92411	Solid waste combustion units burning municipal solid waste (MSW).
Any correctional institution using an IWI unit	922, 7213	Correctional institutions.
Any nursing or residential care facility using an OSWI unit.	623	Any nursing care, residential intellectual and developmental disability, residential mental health and substance abuse, or assisted living facilities.
Any Federal government agency using an OSWI unit ...	928, 7121	Department of Defense (labs, military bases, munition facilities) and National Parks.
Any educational institution using an OSWI unit	6111, 6112, 6113	Primary and secondary schools, universities, colleges, and community colleges.
Any church or convent using an OSWI unit	8131	Churches and convents.
Any civic or religious organization using an OSWI unit	8134	Civic associations and fraternal associations.
Any industrial or commercial facility using a VSMWC unit.	114, 211, 212, 221, 486	Oil and gas exploration operations; mining; pipeline operators; utility providers; fishing operations.

[1] North American Industry Classification System.

Table 1 is not intended to be exhaustive, but rather to provide a guide for readers regarding entities likely to be regulated by this final action. To determine whether your entity is regulated by this action, you should carefully examine the applicability criteria found in title 40 of the Code of Federal Regulations (CFR), 60.2885,

60.2981, and 60.2991. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this preamble, your delegated authority, or your EPA Regional representative listed in 40 CFR 60.4 (General Provisions).

B. Where can I get a copy of this document and other related information?

In addition to being available in the docket, an electronic copy of this final action will also be available on the internet. Following signature by the EPA Administrator, the EPA will post a copy of this final action at: *https://www.epa.gov/stationary-sources-air-pollution/other-solid-waste-incinerators-oswi-new-source-performance.* Following publication in the **Federal Register** (FR), the EPA will post the FR version and key technical documents at this same website.

C. Judicial Review and Administrative Reconsideration

Under CAA section 307(b)(1), judicial review of this final action is available only by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit by June 17, 2024. Under CAA section 307(b)(2), the requirements established by this final rule may not be challenged separately in any civil or criminal proceedings brought by the EPA to enforce the requirements.

Section 307(d)(7)(B) of the CAA further provides that only an objection to a rule or procedure which was raised with reasonable specificity during the period for public comment (including any public hearing) may be raised during judicial review. This section also provides a mechanism for the EPA to reconsider the rule if the person raising an objection can demonstrate to the Administrator that it was impracticable to raise such objection within the period for public comment or if the grounds for such objection arose after the period for public comment (but within the time specified for judicial review) and if such objection is of central relevance to the outcome of the rule. Any person seeking to make such a demonstration should submit a Petition for Reconsideration to the Office of the Administrator, U.S. EPA, Room 3000, WJC South Building, 1200 Pennsylvania Ave. NW, Washington, DC 20460, with a copy to both the person(s) listed in the preceding **FOR FURTHER INFORMATION CONTACT** section and the Associate General Counsel for the Air and Radiation Law Office, Office of General Counsel (Mail Code 2344A), U.S. EPA, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

II. Background

A. What is the statutory authority and regulatory history for this action?

Section 129 of the CAA, entitled ''Solid Waste Combustion,'' requires the EPA to develop and adopt new source performance standards (NSPS) and emission guidelines (EG) for solid waste incineration units pursuant to CAA section 111 and 129. Section 129(a) of the CAA requires EPA to establish NSPS for new sources, and CAA section 129(b) requires the EPA to establish guidelines, which include emission limits pursuant to section 111(d) of the CAA. Under CAA section 129, NSPS and EG must be developed for new and existing stationary sources that cause or contribute significantly to air pollution that may reasonably be anticipated to endanger public health or welfare.

In 2005, the EPA promulgated NSPS and EG for OSWI units (70 FR 74870; December 16, 2005). ''Standards of Performance for Other Solid Waste Incineration Units'' (*i.e.,* the OSWI rule), which requires owners and operators of ACIs burning only wood waste, clean lumber, yard waste or a mixture of these three types of waste to apply for and obtain a title V permit (70 FR 74884–85). The EPA explained that title V operating permits ''would assure compliance with all applicable federal requirements for regulated incineration units.'' (See 70 FR 74873.)

CAA section 129(a)(5) requires the EPA, every 5 years, to review and, in accordance with CAA sections 129 and 111, revise standards and other requirements for solid waste incineration units (such as the OSWI standards). On August 31, 2020, in accordance with EPA's general authority under CAA section 129(a), the EPA issued a proposal to amend the NSPS and EG for OSWI units (85 FR 54178). Among other amendments, the EPA proposed to eliminate the requirement that ACIs that burn only wood waste, clean lumber, and yard waste, and that are not located at major sources or subject to title V for other reasons, obtain title V operating permits. The EPA has received feedback from several States indicating that the title V permits are unnecessarily burdensome and expensive for States to maintain for these ACIs. Further, based on available data, ACIs that burn exclusively wood waste, clean lumber, and yard waste are commonly located at facilities that would not otherwise require title V operating permits. In this action, the EPA is finalizing only the portion of the proposed rule that eliminates the title V permit requirement for ACIs that burn only wood waste, clean lumber, and yard waste, for the reasons described below. Since the proposal, both State and industry stakeholders have commented that the title V requirements for these units are overly burdensome and costly, particularly in light of the dependence on ACI units to mitigate natural disaster debris, such as massive amounts of clean wood and vegetative waste for wildfire mitigation and forest management; burning of storm-generated wood and vegetative debris; and burning of land clearing debris. Several States have commented that these ACIs should not be required to obtain title V permits because they are low-emitting and because permitting these ACIs is unnecessarily burdensome and expensive. Further, ACIs that burn exclusively wood waste, clean lumber, and yard waste are typically used temporarily at the location of a natural disaster, not at facilities that are subject to title V (See 85 FR 54194; August 31, 2020).

The EPA has also received comments that the title V permit requirement for ACIs that only burn wood waste, clean lumber, and yard waste is inconsistent with the definition of ''solid waste incineration unit'' in CAA section 129(g)(1). CAA section 129(e) generally requires title V permits for ''solid waste incineration units.'' However, CAA section 129(g)(1) excludes ACIs that only burn wood waste, yard waste, and clean lumber and comply with the opacity limitations in 40 CFR 60.2971 and 60.3066. For these reasons, the EPA is removing the title V permitting requirements for ACI units burning only wood waste, clean lumber, and yard waste.

B. What changes did we propose for ACIs in our August 31, 2020, proposal?

On August 31, 2020, as part of the Agency's 5-year review of the Standards of Performance for New Stationary Sources and Emissions Guidelines for Existing Sources: Other Solid Waste Incineration (OSWI) Units, the EPA proposed to remove the title V permitting requirements for ACI units burning only wood waste, clean lumber, and yard waste. The EPA received 20 comment letters from States and industry stakeholders supporting the removal of title V permitting requirement for ACIs that burn only wood waste, clean lumber, and yard waste. The EPA received no adverse comments on the proposal.

III. Summary of Final Action

A. Removal of Title V Permitting Requirements for ACIS That Burn Only Wood Waste, Clean Lumber, and Yard Waste

After considering public comments received on the August 2020 proposal, in this action the EPA is finalizing as proposed to remove title V permit requirements for ACI units that burn only wood waste, clean lumber, and yard waste. EPA is finalizing this provision to simplify the compliance obligations for owners and operators of these types of units.

B. What are the effective and compliance dates of the standards?

The revisions to the title V permitting requirements for ACIs burning only wood waste, clean lumber, and yard waste being promulgated in this action are effective on April 17, 2024.

IV. Public Comments and Responses

A. What key comments did we receive on title V permitting requirements for ACIs that Burn only wood waste, clean lumber, and yard waste and what are our responses?

Comment: Commenters support the removal of title V permitting requirements for ACIs burning wood waste, yard waste, and clean lumber. Some States commented that these types of ACIs are excluded from the definition of ''solid waste incineration units'' under CAA section 129(g)(1) and are therefore not subject to the title V permit requirements in CAA section 129(e). Commenters further stated that ACIs burning only the allowed materials should not be considered subject to standards or regulations under CAA section 111, because only ''solid waste incineration units'' are required to be subject to New Source Performance Standards pursuant to CAA section 129(a) and Emission Guidelines for Existing Units pursuant to CAA section 129(b). Additionally, commenters stated that ACIs burning only the allowed materials should not be subject to title V permitting pursuant to CAA section 502(a), because ACIs are not subject to standards or regulations under CAA section 111. Commenters stated that ACIs burning only the allowed materials should only be subject to the opacity standards pursuant to CAA section 129(g)(1).

In addition, several commenters indicated that the title V permit requirement for these ACIs has been unduly burdensome and expensive for both ACI operators and permitting agencies. Commenters asserted that this has impacted especially small businesses, because of the high cost involved in some jurisdictions, the extensive paperwork, and time-consuming reporting requirements. Commenters further stated that these impediments render utilizing an ACI for the reduction of the allowed materials, in most instances, not commercially viable compared to open pile burning or grinding and disposing of the grindings by various means that are often environmentally unsound, such as landfilling. A commenter noted that the title V permit requirements often discourage ACI use and instead create conditions where open burning of wood waste occurs instead.

A commenter indicated that removal of the title V permit requirement would greatly simplify the permitting process while encouraging a cleaner, less polluting method of wood waste disposal when compared to open burning. Commenters stated that the immediate result of removing the title V permit requirement will be less open pile burning and grinding of wood waste, which will reduce Black Carbon emissions with a positive effect on global warming. Several commenters noted that increased use of ACIs that are not considered to be solid waste incinerators would produce biochar that can be used as a beneficial soil amendment rather than being treated as a hazardous waste that must be disposed of in a landfill. A commenter also asserted that ACIs are air quality control devices and a preferred method of managing wood wastes.

A commenter stated that ACIs that burn wood waste, clean lumber, and yard waste are not incinerators and characterized ACIs that burn this type of waste as air pollution control devices for an open burn pile. Commenters emphasized that the residuals from ACIs that burn this type of waste consist of wood ash and biochar, which are not hazardous waste, as are residual ashes from true MSW incinerators. A commenter added that this would pave the way in all jurisdictions for wood ash and biochar from ACIs burning only the allowed materials to be land-applied as a beneficial soil additive and ACI residuals from burning clean wood waste would no longer require a hazardous waste permit and subsequent disposal into a landfill, often at considerable cost.

A commenter encouraged the EPA to clarify that the waiver of title V permitting requirements also would apply when ACIs are used to burn other naturally occurring and organic materials in an effort to remove or reduce hazardous fuels loads that could lead to a wildland fire incident. Another commenter urged the EPA to expand this title V exemption to all ACIs that burn only wood waste, clean lumber, and yard waste (*e.g.,* ACIs subject to 40 CFR 60.2020 and 60.2010).

Response: As noted by the commenter, the EPA proposed to eliminate the title V permit requirement for ACIs that only burn wood wastes, yard wastes, and clean lumber and that comply with opacity limitations established by the EPA, unless they otherwise need title V permits (85 FR 54194). The definition of ''solid waste incineration unit'' in CAA section 129(g)(1) ''does not include (C) air curtain incinerators [that] only burn wood wastes, yard wastes and clean lumber'' and comply with opacity limits. Importantly, the regulations at 40 CFR 70.3 stipulate the types of sources that must obtain a permit for operation pursuant to CAA section 502(a). In particular, title V permitting applies to any major source, as defined in 40 CFR 70.2, without exceptions, including ACI that are not solid waste incineration units under CAA section 129(g)(1), but are themselves major sources. The preamble to the proposal explains that ''EPA is proposing to eliminate this regulatory title V permitting requirement for such ACIs that are not located at a major source or subject to title V for other reasons.'' (85 FR 54194) This final rule clarifies applicability of title V permitting requirement for ACIs that burn only wood waste, clean lumber, and yard waste or a combination of these materials and comply with the Section 129 opacity requirements. We disagree that this interpretation should extend to ACIs used to burn materials other than wood waste, clean lumber, and yard waste, as defined in 40 CFR 60.2992 and 60.3078.

V. Summary of Cost, Environmental, and Economic Impacts

A. What are the affected facilities?

The OSWI database developed for the August 31, 2020, proposal lists approximately 29 ACI units that burn only wood waste, clean lumber, and yard waste, at 29 facilities. It is possible that there are units not included in the OSWI database.

B. What are the air quality impacts?

There are no air quality impacts associated with this action. The removal of title V permitting requirements for ACIs that only burn wood waste, clean lumber, and yard waste does not have an effect on the obligation for sources to comply with the existing standards, including the stringency of the

standards in 40 CFR part 60, subpart EEEE or FFFF, or on the ability of Federal or State agencies to enforce standards.

C. What are the cost impacts?

The removal of title V permit requirements for ACI units that burn only wood waste, clean lumber, and yard waste results in a cost savings in permit costs for ACI units that burn only wood waste, clean lumber, and yard waste. There is no cost impact on other types of ACI units that do not burn only wood waste, clean lumber, and yard waste.

D. What are the economic impacts?

The removal of title V permit requirements for ACI units that burn only wood waste, clean lumber, and yard waste results in a cost reduction that cannot be quantified because the EPA is unable to accurately identify the number of these units to scale the cost reduction. There is no economic impact on other types of ACI units that do not burn only wood waste, clean lumber, and yard waste.

E. What are the benefits?

This final action will simplify compliance and reduce administrative cost burden for owners and operators of ACI units that burn only wood waste, clean lumber, and yard waste and permitting authorities. The rule will not change existing emission standards. Further, it will have no adverse impact on public health or the environment.

VI. Statutory and Executive Order Reviews

Additional information about these statutes and Executive orders can be found at *https://www.epa.gov/laws-regulations/laws-and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 14094: Modernizing Regulatory Review

This action is not a significant regulatory action as defined in the Executive Order 12866, as amended by Executive Order 14094, and was therefore not subject to a requirement for Executive Order 12866 review.

B. Paperwork Reduction Act

This action does not impose an information collection burden under the Paperwork Reduction Act (PRA). There are no information collection request activities associated with this action.

C. Regulatory Flexibility Act

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the EPA concludes that the impact of concern for this action is any significant adverse economic impact on small entities and that the agency is certifying that this action will not have a significant economic impact on a substantial number of small entities because the action relieves regulatory burden on the small entities subject to this action. This action removes title V permit requirements for affected small entities. We have therefore concluded that this action will relieve regulatory burden for all directly regulated small entities.

D. Unfunded Mandates Reform Act

This action does not contain an unfunded mandate of $100 million or more as described in the Unfunded Mandates Reform Act (UMRA), 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action imposes no enforceable duty on any State, local, or Tribal governments or the private sector.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have Tribal implications as specified in Executive Order 13175. It will neither impose direct compliance costs on federally recognized Tribal governments nor preempt Tribal law. Thus, Executive Order 13175 does not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045 directs Federal agencies to include an evaluation of the health and safety effects of the planned regulation on children in Federal health and safety standards and explain why the regulation is preferable to potentially effective and reasonably feasible alternatives. This action is not subject to Executive Order 13045 because it is not a significant regulatory action under section 3(f)(1) of Executive Order 12866, and because the EPA does not anticipate the environmental health or safety risks addressed by this action present a disproportionate risk to children. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA) and 1 CFR Part 51

This rulemaking does not involve technical standards.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations and Executive Order 14096: Revitalizing Our Nation's Commitment to Environmental Justice for All

The EPA believes that the human health and environmental conditions that exist prior to this action do not result in disproportionate and adverse effects on communities with environmental justice (EJ) concerns. The removal of title V requirements for ACIs that burn only wood waste, clean lumber, and yard waste do not affect the level of protection provided to human health or the environment.

The EPA believes that this action is not likely to result in new disproportionate and adverse effects on communities with environmental justice concerns. Air quality regulation on ACIs remains in place to control environmental exposure to the public despite the removal of title V permit requirements for ACIs that burn only wood waste, clean lumber, and yard waste. This action will not compromise standards and/or controls on ACIs that burn only wood waste, clean lumber, and yard waste.

K. Congressional Review Act

This action is subject to the Congressional Review Act (CRA), and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 60

Environmental protection, Administrative practice and procedures, Air pollution control, Hazardous substances, Intergovernmental relations,

Reporting and recordkeeping requirements.

Michael S. Regan,

Administrator.

For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as follows:

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

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

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

Subpart EEEE—Standards of Performance for Other Solid Waste Incineration Units for Which Construction Is Commenced After December 9, 2004, or for Which Modification or Reconstruction Is Commenced on or After June 16, 2006

■ 2. Revise § 60.2966 to read as follows:

§ 60.2966 Am I required to apply for and obtain a title V operating permit for my unit?

(a) If you are the owner or operator of an air curtain incinerator that is subject to this subpart and that does not burn only wood waste, clean lumber, and yard waste, you are required to apply for and obtain a title V operating permit for your OSWI unit.

(b) If you are the owner or operator of an air curtain incinerator that burns only wood waste, clean lumber, and yard waste and that is subject only to the requirements in §§ 60.2970 through 60.2973, you are exempt from the obligation to obtain a title V operating permit, provided that your air curtain incinerator is not otherwise required to obtain a title V operating permit.

■ 3. Revise § 60.2967 to read as follows:

§ 60.2967 When must I submit a title V permit application for my new unit?

(a) If your new unit subject to this subpart is applying for a permit the first time, a complete title V permit application must be submitted timely either 12 months after the date the unit commences operation as a new source or before one of the dates specified in paragraph (b) of this section, as applicable.

(b) For a unit that commenced operation as a new source as of December 16, 2005, then a complete title V permit application must be submitted not later than December 18, 2006. For a small OSWI unit that commenced operation as a new source as of April 17, 2024, a complete title V permit application must be submitted not later than April 18, 2025.

(c) [Reserved]

§ 60.2969 [Removed and Reserved]

■ 4. Remove and reserve § 60.2969.

§ 60.2974 [Removed and Reserved]

■ 5. Remove and reserve § 60.2974

■ 6. Revise the heading of subpart FFFF to read as follows:

Subpart FFFF—Emission Guidelines and Compliance Times for Other Solid Waste

■ 7. Revise § 60.3059 to read as follows:

§ 60.3059 Am I required to apply for and obtain a title V operating permit for my unit?

(a) Yes, if your OSWI unit is an existing incineration unit subject to an applicable EPA-approved and effective Clean Air Act section 111(d)/129 state or tribal plan or an applicable and effective Federal plan, and your OSWI unit does not burn only wood waste, clean lumber, and yard waste, you are required to apply for and obtain a title V operating permit.

(b) If you are the owner or operator of an air curtain incinerator that burns only wood waste, clean lumber, and yard waste and is subject only to the requirements in §§ 60.3062 through 60.3068, you are exempt from the obligation to obtain an operating permit, provided that your air curtain incinerator is not otherwise required to obtain a title V operating permit.

§ 60.3060 [Removed and Reserved]

■ 8. Remove and reserve § 60.3060.

[FR Doc. 2024–08270 Filed 4–16–24; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 89, No. 75
Wednesday, April 17, 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–2023–1990; Project Identifier AD–2023–00734–A]

RIN 2120–AA64

Airworthiness Directives; Various Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (SNPRM).

SUMMARY: The FAA is revising a notice of proposed rulemaking (NPRM) that applied to various airplanes modified with a certain configuration of the Garmin GFC 500 Autopilot System installed per Supplemental Type Certificate (STC) No. SA01866WI. This action revises the NPRM by removing airplane models from and adding airplane models to the applicability. The FAA is proposing this airworthiness directive to address the unsafe condition on these products. Since this action would expand the applicability for the required action as proposed in the NPRM, the agency is requesting comments on this SNPRM.

DATES: The FAA must receive comments on this SNPRM by June 3, 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–2023–1990; 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 SNPRM, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Christopher Withers, Aviation Safety Engineer, FAA, 1801 S Airport Road, Wichita, KS 67209; phone: (316) 946–4190; email: *christopher.d.withers@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 the **ADDRESSES** section. Include ''Docket No. FAA–2023–1990; Project Identifier AD–2023–00734–A'' 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 again revise 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 proposed AD.

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 SNPRM 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 SNPRM, 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 SNPRM. Submissions containing CBI should be sent to Christopher Withers, Aviation Safety Engineer, FAA, 1801 S Airport Road, Wichita, KS 67209. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued an NPRM to amend 14 CFR part 39 by adding an AD that would apply to various airplanes modified with a certain configuration of the Garmin GFC 500 Autopilot System installed per STC No. SA01866WI. The NPRM published in the **Federal Register** on October 10, 2023 (88 FR 69891). The NPRM was prompted by a report of an un-commanded automatic pitch trim runaway when the autopilot was first engaged. In the NPRM, the FAA proposed to require updating the applicable Garmin GFC 500 Autopilot System software for your airplane and prohibit installing earlier versions of that software.

Actions Since the NPRM Was Issued

Based on the comments the FAA received on the NPRM, the FAA is proposing revising the applicability by removing and adding airplane models, revising paragraph (e) of the proposed AD to clarify that certain hardware failures affected the primary pitch servo, and adding Note 1 to paragraph (g) of the proposed AD.

Comments

The FAA received comments from several individuals and the National Transportation Safety Board (NTSB), who supported the NPRM without change.

The FAA also received three comments from Garmin. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Correct Language in Paragraph (e) of the Proposed AD

Garmin stated that paragraph (e) of the proposed AD incorrectly states that hardware faults can occur in the pitch trim servo. Garmin explained that hardware faults occur in the pitch servo,

not the pitch trim servo. Garmin requested a correction to state that hardware faults occur in the pitch servo.

The FAA agrees with the commenter. The FAA has corrected paragraph (e) of the proposed AD to change the wording from ''pitch trim servo'' to ''primary pitch servo.''

Request To Reference Service Information

Garmin also stated that paragraph (g) of the proposed AD should reference Garmin Mandatory STC Service Bulletin (SB) 22123, Rev A, dated January 3, 2023, or later revision, because it would help operators find the easiest path to compliance.

The FAA partially agrees. The FAA agrees that referencing the SB will help operators find a path to compliance but disagrees that operators should be required to use the SB to update the software. The SB requires performing multiple actions, whereas the specified action in this proposed AD is to only update the software version. The FAA has added Note 1 to paragraph (g) of this proposed AD to inform operators that the software update can be done using Garmin Mandatory STC Service Bulletin 22123, Rev A, dated January 3, 2023.

Request To Add Additional Airplane Models

Garmin further stated that the proposed AD would affect more airplane models than what are included in paragraph (c) of the proposed AD. The FAA infers that Garmin requested the applicability of the NPRM be revised to include additional airplane models.

The FAA agrees and has updated paragraph (c) of this proposed AD to include additional affected airplane models.

Additional Change Made to the Applicability

Since the NPRM published, the FAA determined the need to remove Commander Aircraft Corporation Model 112 airplanes and Textron Aviation Inc. Model 177 airplanes from paragraph (c), Applicability, of this proposed AD. Paragraph (c) of the proposed AD specifies that the affected airplanes are those having a Garmin GFC 500 Autopilot System that includes an optional GSA 28 pitch trim servo installed per STC No. SA01866WI using Master Drawing List (MDL) 005–01264–00, Revisions 1 through 76. The software change to eliminate the unsafe condition identified in this proposed AD was included in MDL revision 77 so airplanes incorporating this STC using MDL revision 77 and higher do not have the software that exhibits the unsafe condition. When installing STC No. SA01866WI, operators of Model 112 airplanes are using MDL revision 78 and operators of Model 177 airplanes are using MDL revision 83, therefore they should not be included in the applicability.

The FAA also determind the need to remove Textron Aviation Inc. Model 182 airplanes from paragraph (c) of this proposed AD. Although Model 182 airplanes are using MDL revision 61, they are not affected by the identified unsafe condition because the mechanical characteristics prohibit the installation of a pitch trim servo.

The FAA further determined the need to remove Mooney International Corporation Model M20 airplanes and Textron Aviation Inc. Model 172, 206, and 210 airplanes from paragraph (c) of this proposed AD. These airplane models are not listed in the FAA Approved Model List (AML), amended September 8, 2023, for STC No. SA01866WI.

FAA's Determination

The FAA is proposing this AD after determining the unsafe condition described previously is likely to exist or develop in other products of the same type design. Certain changes described above expand the scope of the NPRM. As a result, it is necessary to reopen the comment period to provide additional opportunity for the public to comment on this SNPRM.

Proposed AD Requirements in This SNPRM

This proposed AD would require updating the applicable Garmin GFC 500 Autopilot System software for your airplane and would prohibit installing earlier versions of that software.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 5,900 airplanes of U.S. registry.

The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Update autopilot software	1 work-hour × $85 per hour = $85	$0	$85	$501,500

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:

Various Airplanes: Docket No. FAA–2023–1990; Project Identifier AD–2023–00734–A.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by June 3, 2024.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all airplane models specified in Table 1 to paragraph (c) of this AD, certificated in any category, having a Garmin GFC 500 Autopilot System that includes an optional GSA 28 pitch trim servo installed per Supplemental Type Certificate No. SA01866WI using Master Drawing List 005–01264–00, Revisions 1 through 76.

TABLE 1 TO PARAGRAPH (c)—APPLICABLE AIRPLANE MODELS

Type certificate holder	Airplane model
Commander Aircraft Corporation	112B, 112TC, 112TCA, 114, 114A, 114B, and 114TC.
DAHER AEROSPACE	TB 20 and TB 21.
Mooney International Corporation	M20C, M20D, M20E, M20F, M20G, M20J, M20K, M20M, M20R, and M20S.
Piper Aircraft, Inc	PA–24, PA–24–250, and PA–24–260.
Piper Aircraft, Inc	PA–28–140, PA–28–150, PA–28–151, PA–28–160, PA–28–161, PA–28–180, PA–28–181, PA–28–201T, PA–28–235, PA–28–236, PA–28R–180, PA–28R–200, PA–28R–201, PA–28R–201T, PA–28RT–201, and PA–28RT–201T.
Piper Aircraft, Inc	PA–30 and PA–39.
Piper Aircraft, Inc	PA–32–260, PA–32–300, PA–32–301, PA–32–301FT, PA–32–301T, PA–32–301XTC, PA–32R–300, PA–32RT–300, PA–32RT–300T, PA–32R–301 (HP), PA–32R–301 (SP), and PA–32R–301T.
Textron Aviation Inc (type certificate previously held by Beech Aircraft Corporation, Raytheon Aircraft Company, Hawker Beechcraft Corporation, and Beechcraft Corporation).	19A, B19, M19A, A23A, A23–19, A23–24, B23, C23, A24, A24R, B24R, and C24R.
Textron Aviation Inc (type certificate previously held by Beech Aircraft Corporation, Raytheon Aircraft Company, Hawker Beechcraft Corporation, and Beechcraft Corporation).	C35, D35, E35, F35, and G35.
Textron Aviation Inc (type certificate previously held by Beech Aircraft Corporation, Raytheon Aircraft Company, Hawker Beechcraft Corporation, and Beechcraft Corporation).	35–33, 35–A33, 35–B33, 35–C33, 35–C33A, 36, A36, A36TC, B36TC, E33, E33A, E33C, F33, F33A, F33C, G33, H35, J35, K35, M35, N35, P35, S35, V35, V35A, and V35B.
Textron Aviation Inc (type certificate previously held by Cessna Aircraft Company).	172D, 172E, 172F, 172G, 172H, 172I, 172K, 172L, 172M, 172N, 172P, 172Q, 172R, and 172S.
Textron Aviation Inc (type certificate previously held by Cessna Aircraft Company).	F172E, F172F, F172G, F172H, F172K, F172L, F172M, F172N, F172P.
Textron Aviation Inc (type certificate previously held by Cessna Aircraft Company).	172RG, P172D, and R172K.
Textron Aviation Inc (type certificate previously held by Cessna Aircraft Company).	FR172K.
Textron Aviation Inc (type certificate previously held by Cessna Aircraft Company).	177B.
Textron Aviation Inc (type certificate previously held by Cessna Aircraft Company).	177RG.
Textron Aviation Inc (type certificate previously held by Cessna Aircraft Company).	F177RG.
Textron Aviation Inc (type certificate previously held by Cessna Aircraft Company).	182E, 182F, 182G, 182H, 182J, 182K, 182L, 182M, 182N, 182P, 182Q, 182R, 182S, 182T, F182P, F182Q, FR182, R182, T182, T182T, and TR182.
Textron Aviation Inc (type certificate previously held by Cessna Aircraft Company).	206H, P206C, P206D, P206E, T206H, TP206C, TP206D, TP206E, TU206C, TU206D, TU206E, TU206F, TU206G, U206C, U206D, U206E, U206F, and U206G.
Textron Aviation Inc (type certificate previously held by Cessna Aircraft Company).	210D, 210E, 210F, 210G, 210H, 210J, 210K, 210L, 210M, 210N, T210F, T210G, T210H, T210J, T210K, T210L, T210M, and T210N.

(d) Subject

Joint Aircraft System Component (JASC) Code 2210, Autopilot System.

(e) Unsafe Condition

This AD was prompted by a report of an un-commanded automatic pitch trim runaway when the autopilot was first engaged. The FAA is issuing this AD to address autopilot software that does not properly handle certain hardware failures of the primary pitch servo. The unsafe condition, if not addressed, could result in un-commanded automatic pitch trim runaway and loss of control of the airplane.

(f) Compliance

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

(g) Required Action

Within 12 months after the effective date of this AD, update the Garmin GFC 500 Autopilot System software applicable to your airplane to a version that is not 8.01 or earlier for the G5, not version 9.01 or earlier for the G3X Touch, and not version 2.59 or earlier for the GI 275.

Note 1 to paragraph (g): The software update can be done using Garmin Mandatory STC Service Bulletin 22123, Rev A, dated

January 3, 2023. This AD also allows the installation of versions other than those listed in Garmin Mandatory STC Service Bulletin 22123, Rev A, dated January 3, 2023, provided those versions are not listed in paragraph (g) of this AD.

(h) Installation Prohibition

As of the effective date of this AD, do not install Garmin GFC 500 Autopilot System Software that is version 8.01 or earlier for the G5, version 9.01 or earlier for the G3X Touch, or version 2.59 or earlier for the GI 275, on any airplane.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Central Certification Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the Central Certification Branch, send it to the attention of the person identified in paragraph (j)(1) of this AD. Information may be emailed to *wichita-cos@faa.gov.*

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

(j) Related Information

(1) For more information about this AD, contact Christopher Withers, Aviation Safety Engineer, FAA, 1801 S Airport Road, Wichita, KS 67209; phone: (316) 946–4190; email: *christopher.d.withers@faa.gov.*

(2) For service information identified in this AD that is not incorporated by reference, contact Garmin International, Attention: Garmin Aviation Support, 1200 E. 151st Street, Olathe, KS 66062; phone: (866) 739–5687; website: *support.garmin.com/en-US/aviation/.*

(k) Material Incorporated by Reference

None.

Issued on April 9, 2024.

James D. Foltz,

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

[FR Doc. 2024–08082 Filed 4–16–24; 8:45 am]

BILLING CODE 4910–13–P

FEDERAL TRADE COMMISSION

[File No. R407001]

16 CFR Part 306

Petition for Rulemaking of the American Petroleum Institute

AGENCY: Federal Trade Commission.

ACTION: Receipt of petition; request for comment.

SUMMARY: Please take notice that the Federal Trade Commission (''Commission'') received a petition for rulemaking from the American Petroleum Institute and has published that petition online at *https://www.regulations.gov.* The Commission invites written comments concerning the petition. Publication of this petition is pursuant to the Commission's Rules of Practice and Procedure and does not affect the legal status of the petition or its final disposition.

DATES: Comments must identify the petition docket number and be filed by May 17, 2024.

ADDRESSES: You may view the petition, identified by docket number FTC–2024–0025, and submit written comments concerning its merits by using the Federal eRulemaking Portal at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit sensitive or confidential information. You may read background documents or comments received at *https://www.regulations.gov* at any time.

FOR FURTHER INFORMATION CONTACT: Joel Christie, Office of the Secretary, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, *jchristie@ftc.gov,* (202) 326–3297.

SUPPLEMENTARY INFORMATION: Pursuant to section 18(a)(1)(B) of the Federal Trade Commission Act, 15 U.S.C. 57a(1)(B), and FTC Rule 1.31(f), 16 CFR 1.31(f), notice is hereby given that the above-captioned petition has been filed with the Secretary of the Commission and has been placed on the public record for a period of thirty (30) days. Any person may submit comments in support of or in opposition to the petition. All timely and responsive comments submitted in connection with this petition will become part of the public record. The Commission will not consider the petition's merits until after the comment period closes.

Because your comment will be placed on the publicly accessible website at *https://www.regulations.gov,* you are solely responsible for making sure your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''trade secret or any commercial or financial information which . . . is privileged or confidential''—as provided by section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2).

(Authority: 15 U.S.C. 46; 15 U.S.C. 57a; 5 U.S.C. 601 note)

April J. Tabor,

Secretary.

[FR Doc. 2024–08147 Filed 4–16–24; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2024–0296]

RIN 1625–AA00

Safety Zone; Seneca Lake, Romulus, NY

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a temporary safety zone for certain waters of Seneca Lake near Sampson State Park, Romulus, NY. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by a fireworks display. This proposed rulemaking would prohibit persons and vessels from being in the safety zone from 9:30 p.m. through 10:30 p.m., July 3, 2024 unless authorized by the Captain of the Port Eastern Great Lakes or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before May 17, 2024.

ADDRESSES: You may submit comments identified by docket number USCG–2024–0296 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 LT William Kelley, Waterways Management Division, U.S. Coast Guard; telephone

716–253–7299, email *D09-SMB-SECBuffalo-WWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port
DHS Department of Homeland Security
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

On January 5, 2024, an organization notified the Coast Guard that it will be conducting a firework display from 9:45 p.m. through 10:15 p.m. on July 3, 2024. The fireworks are to be launched from a barge in Seneca Lake approximately 900 feet southwest of Sampson State Park in Romulus, NY. Hazards from firework displays include accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris. The Captain of the Port Eastern Great Lakes (COTP) has determined that potential hazards associated with the fireworks to be used in this display would be a safety concern for anyone within a 600-foot radius of the barge.

The purpose of this rulemaking is to ensure the safety of vessels and the navigable waters within a 600-foot radius of the firework barge before, during, and after the scheduled event. The Coast Guard is proposing this rulemaking under authority in 46 U.S.C. 70034.

III. Discussion of Proposed Rule

The COTP is proposing to establish a safety zone from 9:30 p.m. through 10:30 p.m. on July 3, 2024. The safety zone would cover all navigable waters within 600 feet of a fireworks barge in Seneca Lake approximately 900 feet southwest of Sampson State Park in Romulus, NY. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled 9:45 p.m. through 10:15 p.m. firework display. No vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The regulatory text we are proposing 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. 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 NPRM 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, the NPRM has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. Vessel traffic would be able to safely transit around this safety zone which would impact a small, designated area of Seneca Lake for 1 hour during the evening when vessel traffic is normally low. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone, and the rule would allow vessels to seek permission to enter the zone.

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.

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

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 a safety zone lasting 1 hour that would prohibit entry within 600 feet of a firework barge. Normally such actions are categorically excluded from further review under paragraph L60(c) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. 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–2024–0296 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. Also, if you click on the Dockets tab and then the proposed rule, you should see a ''Subscribe'' option for email alerts. The option will notify you when comments are posted, or a final rule is published.

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 165

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

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 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.T09–0296 to read as follows:

§ 165.T09–0296 Safety Zone; Seneca Lake, Romulus, NY.

(a) *Location.* The following area is a safety zone: all waters of Seneca Lake, from surface to bottom, within a 600-foot radius of the fireworks barge located at 42°43′39.28″ N 76°54′59.47″ 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 Captain of the Port Eastern Great Lakes (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 CH. 16 or Sector Eastern Great Lakes Command Center at 716–843–9527. 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 from 9:30 p.m. to 10:30 p.m. on July 3, 2024.

Dated: April 5, 2024.

M.I. Kuperman,

Captain, U.S. Coast Guard, Captain of the Port Eastern Great Lakes.

[FR Doc. 2024–08142 Filed 4–16–24; 8:45 am]

BILLING CODE 9110–04–P

POSTAL SERVICE

39 CFR Part 20

International Mailing Services: Proposed Price Changes

AGENCY: Postal Service™.

ACTION: Proposed rule; request for comments.

SUMMARY: The Postal Service proposes to revise *Mailing Standards of the United States Postal Service,* International Mail Manual (IMM®), to reflect changes coincident with the recently announced mailing services price adjustments.

DATES: We must receive your comments on or before May 17, 2024.

ADDRESSES: Mail or deliver comments to the director, Product Classification, U.S. Postal Service®, 475 L'Enfant Plaza SW, Rm. 4446, Washington, DC 20260–5015. You may inspect and photocopy all written comments at USPS® Headquarters Library, 475 L'Enfant Plaza SW, 11th Floor N, Washington, DC by appointment only between the hours of 9 a.m. and 4 p.m., Monday through Friday by calling 1–202–268–2906 in advance. Email comments, containing the name and address of the commenter, to: *PCFederalRegister@usps.gov,* with a subject line of ''July 14, 2024, International Mailing Services Proposed Price Changes.'' Faxed comments are not accepted.

FOR FURTHER INFORMATION CONTACT: Dale Kennedy at 202–268–6592 or Kathy Frigo at 202–268–4178.

SUPPLEMENTARY INFORMATION: All submitted comments and attachments are part of the public record and subject to disclosure. Do not enclose any

material in your comments that you consider to be confidential or inappropriate for public disclosure.

International Price and Service Adjustments

On April 9, 2024, the Postal Service filed a notice of mailing services price adjustments with the Postal Regulatory Commission (PRC), effective on July 14, 2024. The Postal Service proposes to revise Notice 123, *Price List,* available on Postal Explorer® at *https://pe.usps.com,* to reflect these new price changes. The new prices are or will be available under Docket Number R2024–2 on the Postal Regulatory Commission's website at *www.prc.gov.*

This proposed rule describes the price changes for the following market dominant international services:

- First-Class Mail International (FCMI) service.
- International extra services and fees

First-Class Mail International

The Postal Service plans to increase prices for single-piece FCMI postcards, letters, and flats by approximately 6.3%. The proposed price for a single-piece postcard will increase to $1.65 worldwide. The First-Class Mail International letter nonmachinable surcharge will increase to $0.46. The proposed FCMI single-piece letter and flat prices will be as follows:

Weight not over (oz.)	Price groups			
	1	2	3–5	6–9
Letters				
1	$1.65	$1.65	$1.65	$1.65
2	1.65	2.50	2.98	2.98
3	2.36	3.30	4.36	4.36
3.5	3.02	4.14	5.75	5.75
Flats				
1	3.15	3.15	3.15	3.15
2	3.55	4.22	4.48	4.48
3	3.86	5.16	5.78	5.78
4	4.12	6.13	7.11	7.11
5	4.43	7.09	8.41	8.41
6	4.73	8.03	9.71	9.71
7	5.02	9.01	11.01	11.01
8	5.32	9.96	12.31	12.31
12	6.79	12.03	14.92	14.92
15.994	8.27	14.10	17.53	17.53

International Extra Services and Fees

The Postal Service plans to increase prices for certain market dominant international extra services including:

- Certificate of Mailing
- Registered Mail™
- Return Receipt
- Customs Clearance and Delivery Fee
- International Business Reply™ Mail Service

CERTIFICATE OF MAILING

	Fee
Individual pieces:	
Individual article (PS Form 3817)	$2.10
Duplicate copy of PS Form 3817 or PS Form 3665 (per page)	2.10
Firm mailing sheet (PS Form 3665), per piece (minimum 3)	
First-Class Mail International only	0.61
Bulk quantities:	
For first 1,000 pieces (or fraction thereof)	$11.65
Each additional 1,000 pieces (or fraction thereof)	1.52
Duplicate copy of PS Form 3606	2.10

Registered Mail

Fee: $21.75.

Return Receipt

Fee: $6.10.

Customs Clearance and Delivery

Fee: per piece $8.85.

International Business Reply Service

Fee: Cards $2.30; Envelopes up to 2 ounces $2.85.

Following the completion of Docket No. R2024–2, the Postal Service will adjust the prices for products and services covered by the International Mail Manual. These prices will be on Postal Explorer at *pe.usps.com.*

Accordingly, although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comment on the proposed changes to *Mailing Standards of the United States Postal Service,* International Mail Manual (IMM®), set out in this **SUPPLEMENTARY INFORMATION** section, which is incorporated by reference in the *Code of Federal Regulations* in accordance with 39 CFR 20.1, and to associated changes to Notice 123, *Price List.*

The Postal Service will publish an appropriate update to Notice 123, *Price List* of the IMM, to reflect these changes following the completion of the notice and comment period for this proposed

rule. The Postal Service annually publishes an amendment to 39 CFR part 20 to finalize updates to the IMM.

Christopher Doyle,

Attorney, Ethics and Legal Compliance.

[FR Doc. 2024–08154 Filed 4–16–24; 8:45 am]

BILLING CODE P

LEGAL SERVICES CORPORATION

45 CFR Part 1607

Governing Bodies; Correction

AGENCY: Legal Services Corporation.

ACTION: Notice of proposed rulemaking; correction.

SUMMARY: This document corrects the preamble to a proposed rule published in the **Federal Register** of April 12, 2024, regarding the requirements applicable to Legal Services Corporation (LSC) grant recipients' governing bodies. This correction provides the addresses to which comments on the proposed rule may be sent.

DATES: Comments must be received by LSC by 11:59 p.m. Eastern on Monday, May 13, 2024.

FOR FURTHER INFORMATION CONTACT: Stefanie K. Davis, Deputy General Counsel, Legal Services Corporation, 3333 K Street NW, Washington, DC 20007; (202) 295–1563 (phone), (202) 337–6519 (fax), or *sdavis@lsc.gov.*

SUPPLEMENTARY INFORMATION:

Correction

In proposed rule FR Doc. 2024–07762, beginning on page 25856 in the issue of April 12, 2024, make the following correction: On page 25856 in the second column, add after the **DATES** section:

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

- *Email: lscrulemaking@lsc.gov.* Include ''Comments on Revisions to Part 1607'' in the subject line of the message.
- *Mail:* Stefanie K. Davis, Deputy General Counsel, Legal Services Corporation, 3333 K Street NW, Washington, DC 20007, ATTN: Part 1607 Rulemaking.
- *Hand Delivery/Courier:* Stefanie K. Davis, Deputy General Counsel, Legal Services Corporation, 3333 K Street NW, Washington, DC 20007, ATTN: Part 1607 Rulemaking.

Instructions: Electronic submissions are preferred via email with attachments in Acrobat PDF format. LSC will not consider written comments sent to any other address or received after the end of the comment period.

Dated: April 12, 2024.

Stefanie Davis,

Deputy General Counsel, Legal Services Corporation.

[FR Doc. 2024–08151 Filed 4–16–24; 8:45 am]

BILLING CODE P

Notices

Federal Register

Vol. 89, No. 75

Wednesday, April 17, 2024

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of Malaria Vaccine Development Program Scientific Advisory Committee Re-Establishment

AGENCY: Agency for International Development (USAID).

ACTION: Notice of the advisory committee re-establishment.

SUMMARY: Pursuant to the Federal Advisory Committee Act, notice is hereby given of the re-establishment of the USAID Malaria Vaccine Development Program (MVDP) Scientific Advisory Committee (SAC) (previously the USAID Advisory Committee of the Malaria Vaccine Program). The USAID MVDP SAC is an external scientific committee that reviews and provides strategic advice to the USAID MVDP once or twice annually. The Administrator of USAID is re-establishing the committee for two years, effective on the date of filing of its renewed charter.

ADDRESSES: Written comments and recommendations can be sent to *MVDPSACSecretariat@usaid.gov.*

FOR FURTHER INFORMATION CONTACT: Susan Youll, Designated Federal Officer, Email: *MVDPSACSecretariat@usaid.gov,* or 202–712–0000 (Voice). Mailing address is: USAID, 1300 Pennsylvania Ave. NW, Washington, DC 20004.

Susan Youll,

USAID Designated Federal Officer for the MVDP SAC, Global Health Bureau, U.S. Agency for International Development.

[FR Doc. 2024–08129 Filed 4–16–24; 8:45 am]

BILLING CODE 6116–01–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS–FGIS–24–0019]

Grain Inspection Advisory Committee Meeting

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, the Agricultural Marketing Service (AMS), U.S. Department of Agriculture (USDA), is announcing a meeting of the Grain Inspection Advisory Committee (Committee). The Committee meets no less than once annually to advise the Secretary on the programs and services delivered by the AMS under the U.S. Grain Standards Act. Recommendations by the Committee help AMS meet the needs of its customers, who operate in a dynamic and changing marketplace.

DATES: An in-person meeting will be held on May 15, 2024, from 8:30 a.m. to 5:00 p.m. Central and on May 16, 2024, from 8:30 a.m. to 12:00 p.m. Central. The meeting will be broadcast virtually.

Written Comments: Any member of the public may file written comments with the Committee before or within 15 days after the date on which the meeting concludes. Comments should be submitted via email to *Kendra.C.Kline@usda.gov.* The Committee will consider comments submitted on or before 11:59 p.m. ET on May 10, 2024, prior to the meeting. Comments submitted after this date will be provided to the Committee, but the Committee may not have adequate time to consider those comments prior to the meeting. Comments submitted after the conclusion of the meeting will be posted on the AMS website.

Oral Comments: The Committee is providing the public an opportunity to present oral comments and will accommodate as many individuals and organizations as time permits. Persons or organizations wishing to make oral comments must pre-register by 11:59 p.m. ET, May 10, 2024, and may only register for one speaking slot.

Instructions for registering and participating in the meeting can be obtained by contacting the person listed in the **FOR FURTHER INFORMATION CONTACT** section before the deadline.

ADDRESSES: *Meeting Location:* The Committee meeting will take place at the AMS National Grain Center, 10383 N Ambassador Drive, Kansas City, Missouri 64153. The meeting will also be virtually accessible. Meeting information can be found at: *https://www.ams.usda.gov/about-ams/facas-advisory-councils/giac.*

FOR FURTHER INFORMATION CONTACT: Kendra Kline by phone at (202) 690–2410 or by email at *Kendra.C.Kline@usda.gov.*

SUPPLEMENTARY INFORMATION: The purpose of the Committee is to provide advice to AMS with respect to the implementation of the U.S. Grain Standards Act (7 U.S.C. 71–87k). Information about the Committee is available on the AMS website at *https://www.ams.usda.gov/about-ams/facas-advisory-councils/giac.*

The agenda for the upcoming meeting will include general program updates, and discussions about cyber security, Committee quorum, Committee nomination process, Committee handbook, standardizing protein moisture basis certification, grain inspection technology, establishing a technology subcommittee, and emerging grain export issues.

The meeting will be open to the public. Public participation will be limited to written statements and interested parties who have registered to present comments orally to the Committee.

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

Persons with disabilities who require alternative means of communication of program information or related accommodations should contact Kendra Kline at the telephone number or email listed above.

Dated: April 12, 2024.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2024–08137 Filed 4–16–24; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Forest Service

North Wisconsin Resource Advisory Committee

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of meeting.

SUMMARY: The North Wisconsin Resource Advisory Committee (RAC) will hold a public meeting according to the details shown below. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act (FACA). The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act, as well as make recommendations on recreation fee proposals for sites on the Chequamegon-Nicolet National Forest within Ashland, Bayfield, Florence, Forest, Langlade, Oconto, Price, Sawyer, Taylor, and Vilas counties, consistent with the Federal Lands Recreation Enhancement Act.

DATES: A virtual meeting will be held on May 2, 2024, 11:00 a.m. to 3:00 p.m., Central Daylight Time (CDT).

Written and Oral Comments: Anyone wishing to provide virtual oral comments must pre-register by 11:59 p.m. CDT on April 29, 2024. Written public comments will be accepted by 11:59 p.m. CDT on April 29, 2024. Comments submitted after this date will be provided to the Forest Service, but the Committee may not have adequate time to consider those comments prior to the meeting.

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

ADDRESSES: This meeting will be held virtually using the Microsoft Teams platform. The public can join via teleconference or videoconference. Instructions for accessing this meeting can be found in the meeting agenda posted on the Secure Rural Schools Resource Advisory Committee website at *https://www.fs.usda.gov/main/cnnf/workingtogether/advisorycommittees* or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written Comments: Written comments must be sent by email to *adam.felts@usda.gov or* via mail (*i.e.*, postmarked) to *Chequamegon-Nicolet National Forest, ATTN: Adam Felts, 500 Hanson Lake Road, Rhinelander, WI 54501.* The Forest Service strongly prefers comments be submitted electronically.

Oral Comments: Persons or organizations wishing to make oral comments must pre-register by 11:59 p.m. CDT, April 29, 2024, and speakers can only register for one speaking slot. Oral comments must be sent by email to *adam.felts@usda.gov* or via mail (*i.e.,* postmarked) to Adam Felts, 500 Hanson Lake Road, Rhinelander, WI 54501.

FOR FURTHER INFORMATION CONTACT: Adam Felts, Designated Federal Officer, by phone at 715–362–1335 or email at *adam.felts@usda.gov; or* Karen Katz, Recreation Program Manager, by phone at 715–362–1381 or email at *karen.katz@usda.gov.*

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Discuss Title II project proposals,
2. Make funding recommendations on Title II projects,
3. Hear from Forest Service and discuss recreation fee proposals, and
4. Make recommendations on recreation fee proposals.

The agenda will include time for individuals to make oral statements of three minutes or less. Individuals wishing to make an oral statement should make a request in writing at least three weekdays prior to the meeting date to be scheduled on the agenda. Written comments may be submitted to the Forest Service up to 14 days after the meeting date listed under **DATES**.

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

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

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

Equal opportunity practices in accordance with USDA's policies will be followed in all appointments to the Committee. To ensure that the recommendations of the Committee have taken in account the needs of the diverse groups served by USDA, membership shall include to the extent possible, individuals with demonstrated ability to represent minorities, women, and person with disabilities. USDA is an equal opportunity provider, employer, and lender.

Dated: March 19, 2024.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2024–07211 Filed 4–16–24; 8:45 am]

BILLING CODE 3411–15–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the District of Columbia Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of virtual public forum.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the District of Columbia Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a public forum via Zoom. The purpose of this forum is to hear testimony from impacted individuals regarding their experiences, perspectives, and/or recommendations with the DC public school system. Details about this forum are shared here: *https://bit.ly/3QqgxfQ.*

DATES: *Panel IV:* Tuesday, May 7, 2024, from 6:00 p.m.–8:00 p.m. Eastern Time.

ADDRESSES: The briefing will be held via Zoom.

Panel IV:

- *Registration Link (Audio/Visual): https://bit.ly/3J66Dg7*
- *Join by Phone (Audio Only):* 1–833–435–1820 USA Toll Free; Webinar ID: 160 082 5202#

FOR FURTHER INFORMATION CONTACT: Mallory Trachtenberg, DFO, at *mtrachtenberg@usccr.gov* or 1–202–809–9618.

SUPPLEMENTARY INFORMATION: This Committee briefing is available to the public through the registration link above. Any interested member of the public may attend this briefing. An open comment period will be provided to allow members of the public to make oral statements as time allows. Pursuant to the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning is available by selecting ''CC'' in the meeting platform. To request additional accommodations, please email *svillanueva@usccr.gov* at least 10 business days prior to the scheduled briefing.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the scheduled meeting. Written comments may be emailed to Sarah Villanueva at *svillanueva@usccr.gov*. Persons who desire additional information may contact the Regional Programs Coordination Unit at 1–202–809–9618.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via *www.facadatabase.gov* under the Commission on Civil Rights, District of Columbia Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Coordination Unit at *svillanueva@usccr.gov*.

Agenda

I. Opening Remarks
II. Public Comment
III. Closing Remarks
IV. Adjournment

Dated: April 12, 2024.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2024–08171 Filed 4–16–24; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the District of Columbia Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of briefing meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the District of Columbia Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a panel briefing in person and virtually. The purpose of this briefing is to hear testimony on accessing services for students with disabilities in DC public schools. Details about this briefing are shared here: *https://bit.ly/3QqgxfQ*.

DATES: Friday, May 10, 2024, from 12:00 p.m.–2:00 p.m. Eastern Time.

ADDRESSES: The briefing will be conducted in-person and virtually. Members of the public are welcome to attend in-person at the address provided below, or join virtually via the registration link.

Location:

1601 K St NW Room 1A
Washington, DC 20006

Attend Virtually:

- *Registration Link (Audio/Visual): https://bit.ly/49KXuVY*
- *Join by Phone (Audio Only):* 1–833–435–1820 USA Toll Free; Webinar ID: 161 308 1947#

FOR FURTHER INFORMATION CONTACT: Mallory Trachtenberg, DFO, at *mtrachtenberg@usccr.gov* or 1–202–809–9618.

SUPPLEMENTARY INFORMATION: This Committee briefing is available to the public through the registration link above. Any interested member of the public may attend this briefing. An open comment period will be provided to allow members of the public to make oral statements as time allows. Pursuant to the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning is available by selecting ''CC'' in the meeting platform. To request additional accommodations, please email *svillanueva@usccr.gov* at least 10 business days prior to the scheduled briefing.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the scheduled meeting. Written comments may be emailed to Sarah Villanueva at *svillanueva@usccr.gov*. Persons who desire additional information may contact the Regional Programs Coordination Unit at 1–202–809–9618.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via *www.facadatabase.gov* under the Commission on Civil Rights, District of Columbia Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Coordination Unit at *svillanueva@usccr.gov*.

Agenda

I. Opening Remarks
II. Panelist Presentations
III. Committee Q&A
IV. Public Comment
V. Closing Remarks
VI. Adjournment

Dated: April 12, 2024.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2024–08172 Filed 4–16–24; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Wyoming Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of public meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that

the Wyoming Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a virtual business meeting via Zoom at 1:00 p.m. MT on Wednesday, May 1, 2024. The purpose of this meeting is to discuss the Committee's project, *Housing Discrimination and Fair Housing Practices in Wyoming.*

DATES: Wednesday, May 1, 2024, from 1:00 p.m.–2:30 p.m. Mountain Time.

ADDRESSES: The meeting will be held via Zoom Webinar.

Registration Link (Audio/Visual): https://www.zoomgov.com/webinar/register/WN_xh8v_6RlRrq7xWzXfjkGdg.

Join by Phone (Audio Only): (833) 435–1820 USA Toll-Free; Meeting ID: 161 183 4542.

FOR FURTHER INFORMATION CONTACT: Kayla Fajota, Designated Federal Officer, at *kfajota@usccr.gov* or (434) 515–2395.

SUPPLEMENTARY INFORMATION: This committee meeting is available to the public through the registration link above. Any interested member of the public may listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Per the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning will be available for individuals who are deaf, hard of hearing, or who have certain cognitive or learning impairments. To request additional accommodations, please email Liliana Schiller, Support Services Specialist, at *lschiller@usccr.gov* at least 10 business days prior to the meeting.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Kayla Fajota at *kfajota@usccr.gov.* Persons who desire additional information may contact the Regional Programs Coordination Unit at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Wyoming Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Coordination Unit at *lschiller@usccr.gov.*

Agenda

I. Welcome & Roll Call
II. Approval of Minutes
III. Committee Discussion
IV. Public Comment
V. Adjournment

Dated: April 12, 2024.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2024–08183 Filed 4–16–24; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the District of Columbia Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of virtual briefing.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the District of Columbia Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold an additional panel briefing via Zoom. The purpose of this briefing is to hear testimony on accessing services for students with disabilities in DC public schools. Details about these briefings are shared here: *https://bit.ly/3QqgxfQ.*

DATES: *Panel III:* Thursday, May 2, 2024, from 12:00 p.m.–2:00 p.m. Eastern Time.

ADDRESSES: The briefing will be held via Zoom.

Panel III:

- *Registration Link (Audio/Visual): https://bit.ly/49223KF*
- *Join by Phone (Audio Only):* 1–833–435–1820 USA Toll Free; Webinar ID: 160 082 5202#

FOR FURTHER INFORMATION CONTACT: Mallory Trachtenberg, DFO, at *mtrachtenberg@usccr.gov* or 1–202–809–9618.

SUPPLEMENTARY INFORMATION: This Committee briefing is available to the public through the registration link above. Any interested member of the public may attend this briefing. An open comment period will be provided to allow members of the public to make oral statements as time allows. Pursuant to the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning is available by selecting ''CC'' in the meeting platform. To request additional accommodations, please email *svillanueva@usccr.gov* at least 10 business days prior to the scheduled briefing.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the scheduled meeting. Written comments may be emailed to Sarah Villanueva at *svillanueva@usccr.gov.* Persons who desire additional information may contact the Regional Programs Coordination Unit at 1–202–809–9618.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via *www.facadatabase.gov* under the Commission on Civil Rights, District of Columbia Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Coordination Unit at *svillanueva@usccr.gov.*

Agenda

I. Opening Remarks
II. Panelist Presentations
III. Committee Q&A
IV. Public Comment
V. Closing Remarks
VI. Adjournment

Dated: April 12, 2024.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2024–08170 Filed 4–16–24; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Minnesota Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of public meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the Minnesota Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a public meeting via Zoom at 2:00 p.m. CT on Friday, April 19, 2024. The purpose of this meeting is to discuss the Committee's report, *Examining Fair Housing and Equal Access to Housing Opportunities in Minnesota.*

DATES: Friday, April 19, 2024, from 2:00 p.m.–3:15 p.m. Central Time.

ADDRESSES: The meeting will be held via Zoom Webinar.

Registration Link (Audio/Visual): https://www.zoomgov.com/webinar/register/WN_xHCNV7niTgCqC9cd61L7Tg

Join by Phone (Audio Only): (833) 435–1820 USA Toll-Free; Meeting ID: 161 915 0290

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes, Designated Federal Officer, at *afortes@usccr.gov* or (202) 519–2938.

SUPPLEMENTARY INFORMATION: This committee meeting is available to the public through the registration link above. Any interested member of the public may listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Per the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning will be available for individuals who are deaf, hard of hearing, or who have certain cognitive or learning impairments. To request additional accommodations, please email Liliana Schiller, Support Services Specialist, at *lschiller@usccr.gov* at least 10 business days prior to the meeting.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Ana Victoria Fortes at *afortes@usccr.gov.* Persons who desire additional information may contact the Regional Programs Coordination Unit at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Minnesota Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Coordination Unit at *lschiller@usccr.gov.*

Agenda

I. Welcome & Roll Call
II. Discussion: Review Report
III. Public Comment
IV. Next Steps
V. Adjournment

Exceptional Circumstance: Pursuant to 41 CFR 102–3.150, the notice for this meeting is given less than 15 calendar days prior to the meeting due to the availability of staff and the Committee.

Dated: April 12, 2024.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2024–08177 Filed 4–16–24; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the New Mexico Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of virtual business meetings.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the New Mexico Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a series of business meetings via ZoomGov on the following dates and times listed. The purpose of these meetings is to complete their project on education adequacy for Native American students.

DATES: These meetings will take place on:

- Thursday, April 25, 2024, from 12:00 p.m.–1:30 p.m. MT
- Tuesday, May 14, 2024, from 12:00 p.m. to 1:30 p.m. MT
- Wednesday, June 12, 2024, from 12:00 p.m.–1:00 p.m. MT

ADDRESSES: Zoom Webinar Link to Join (Audio/Visual):

Thursday, April 25, 2024: *https://www.zoomgov.com/webinar/register/WN_XdT5V3bGSKqbPtZCucKCgA*
Tuesday, May 14, 2024: *https://www.zoomgov.com/webinar/register/WN_t8GUXa3LQNis3OIkgmLMBQ*
Wednesday, June 12, 2024: *https://www.zoomgov.com/webinar/register/WN_2Cw004pRTUmjetJ1baFS-g*

FOR FURTHER INFORMATION CONTACT: Brooke Peery, Designated Federal Officer, at *bpeery@usccr.gov* or (202) 701–1376.

SUPPLEMENTARY INFORMATION: Committee meetings are available to the public through the registration link above. Any interested member of the public may listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Per the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning will be available for individuals who are deaf, hard of hearing, or who have certain cognitive or learning impairments. To request additional accommodations, please email Angelica Trevino, Support Specialist, at *atrevino@usccr.gov* at least ten (10) days prior to the meeting.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be emailed to Brooke Peery (DFO) at *bpeery@usccr.gov*

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via *www.facadatabase.gov* under the Commission on Civil Rights, New Mexico Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Coordination Unit at *atrevino@usccr.gov.*

Agenda

I. Welcome & Roll Call

II. Approval of Minutes
III. Committee Discussion
IV. Public Comment
V. Adjournment

Dated: April 12, 2024.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2024–08181 Filed 4–16–24; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Nevada Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of virtual business meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the Nevada Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a virtual business meeting via *ZoomGov* at 1:30 p.m. Pacific on Friday, April 19, 2024. The purpose of the meeting is to finalize a post-report activity that involves reviewing the Committee's Op-Ed.

DATES: Friday, April 19, 2024, from 1:30 p.m.–2:00 p.m. PT.

ADDRESSES:

Zoom Webinar Link to Join (Audio/Visual): https://www.zoomgov.com/s/1619807338?pwd=L01ycEp1cG0vNS9jeWxyOFpSc09RQT09.

Telephone (Audio Only): Dial (833) 435–1820 USA Toll Free; Meeting ID: 161 980 7338.

FOR FURTHER INFORMATION CONTACT: Ana Fortes, Designated Federal Officer, at *afortes@usccr.gov* or (202) 519–2938.

SUPPLEMENTARY INFORMATION: Committee meetings are available to the public through the registration link above. Any interested member of the public may listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Per the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning will be available for individuals who are deaf, hard of hearing, or who have certain cognitive or learning impairments. To request additional accommodations, please email Angelica Trevino, Support Specialist, at *atrevino@usccr.gov* at least ten (10) days prior to the meeting.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be emailed to Ana Fortes (DFO) at *afortes@usccr.gov.*

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Nevada Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Coordination Unit at *atrevino@usccr.gov.*

Agenda

I. Welcome, Roll Call, and Announcements
II. Review Op-Ed
III. Vote on Op-Ed
IV. Adjournment

Exceptional Circumstance: Pursuant to 41 CFR 102–3.150, the notice for this meeting is given less than 15 calendar days prior to the meeting due to the availability of staff and the Committee.

Dated: April 12, 2024.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2024–08182 Filed 4–16–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

[Docket No. 240410–0103]

RIN 0690–XD001

AI and Open Government Data Assets Request for Information

ACTION: Notice, request for information.

SUMMARY: The U.S. Department of Commerce is committed to advancing transparency, innovation, and the responsible use and dissemination of public data assets, including for use by data-driven AI technologies. To this end, we are pleased to issue this Request for Information (RFI) to seek valuable insights from industry experts, researchers, civil society organizations, and other members of the public on the development of AI-ready open data assets and data dissemination standards.

DATES: Comments must be received on or before July 16, 2024.

ADDRESSES: All electronic public comments on this action, identified by *Regulations.gov* docket number DOC–2024–0007, may be submitted through the Federal e-Rulemaking Portal at *www.regulations.gov.* The docket established for this request for comment can be found at *www.regulations.gov,* DOC–2024–0007. Click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

FOR FURTHER INFORMATION CONTACT: Please direct questions regarding this Notice to Victoria Houed at *ContactOUSEA@doc.gov* with ''AI-Ready Open Data Assets RFI'' in the subject line, or if by mail, addressed to Victoria Houed, OUSEA, U.S. Department of Commerce, 1401 Constitution Avenue NW, Room 4848, Washington, DC 20230; telephone: (202) 913–1504.

SUPPLEMENTARY INFORMATION: The U.S. Department of Commerce (Commerce) is committed to leading the way in producing and disseminating high-quality public data. Commerce's data assets enable U.S. scientific discovery, innovation, and economic growth, serving as an invaluable asset to the country. In its mission to publish data for the American public and achieve its strategic goal to ''expand opportunity and discovery through data,'' Commerce is dedicated to continuously refining its processes for creating, curating, and distributing its data as new technologies emerge. This Request for Information (RFI) seeks to understand ways to improve Commerce's creation, curation, and distribution of its open data assets to facilitate the development and advancement of AI technologies such as generative AI.

Commerce, as a premier data provider, has a long history of adapting to technological change. In the past 40 years, Commerce has moved data publication efforts into electronic forms, and in the past 20 years, that has included the provision of both data services and tools to support discovery and exploration of Commerce's data. In the last five years, Title II of the Foundations for Evidence-Based Policymaking Act, commonly known as the OPEN Government Data Act, began Commerce's commitment to the dissemination of open data assets in

machine-readable formats, or ''data in a format that can be easily processed by a computer without human intervention while ensuring no semantic meaning is lost'' (44 U.S.C. 3502(18)).

Today, Commerce is facing a new technological change with the emergence of AI technologies that provide improved information and data access to users. Commerce is specifically interested in generative AI (GenAI) applications, which digest disparate sources of text, images, audio, video, and other types of information to produce new content. GenAI and other AI technologies present both opportunities and challenges for both data providers such as Commerce and data users including other government entities, industry, academia, and the American people.

AI has brought transformative changes to many industries including health, finance, education, and transportation, while GenAI has the promise of democratizing access to data by enabling the average person to engage with data in ways that had not previously been possible. Recent GenAI tools allow users to input simple prompts to engage with content gathered by these tools from a wide range of sources, including Commerce's public data.

The challenge for Commerce, as an authoritative provider of data, is to ensure that these new AI intermediaries can appropriately access its data without losing the integrity, including quality, of said data. AI tools require mass amounts of trustworthy information to accurately respond to the needs of their users. As AI applications become more sophisticated and ingrained in everyday life, the role of high-quality data becomes increasingly critical. Commerce acknowledges, as a key data producer, that in order for AI systems to utilize its data for training and for instant data retrieval, its data may need to be reconfigured in easily consumable formats. AI tools are increasingly used for data analysis and data access, so Commerce hopes to ensure that the data these tools consume is easily accessible and ''machine understandable,'' versus just ''machine readable.'' Therefore, this RFI explores how to achieve better data integrity, accessibility, and quality for emerging AI technologies.

The uniqueness of emerging technologies such as GenAI arises from the fact that the interpretation and use of data is no longer solely executed by human experts (*e.g.,* scientists, engineers, software developers) who bring their own knowledge and understanding to working with Commerce's data. This human understanding is grounded in shared disciplinary knowledge and in human-readable documentation that Commerce provides with its published data. AI systems currently lack common knowledge and the ability to use such knowledge in their activity. Although these systems demonstrate fluency and intelligence, their outputs are often driven by contextual prediction rather than higher-order reasoning capabilities. Recent AI systems are trained on tremendous amounts of digital content and generate responses based on the contextual properties of that content. However, these systems do not truly ''understand'' the texts in a meaningful way. While there is ongoing improvement, today's AI systems are fundamentally limited by their reliance on extensive, unstructured data stores, which depend on the underlying data rather than an ability to reason and make judgments based on comprehension. Knowing this, Commerce seeks to adhere to its strategic mission to ''expand opportunity and discovery through data,'' by disseminating public data in AI ready formats while ensuring no semantic meaning is lost.

To respond to the challenge and realize the opportunity offered by these new technologies, it is important that Commerce enables AI systems to access and use its public data assets correctly and responsibly.

This RFI seeks feedback, recommendations, and suggestions from industry experts, researchers, civil society organizations, and the public regarding Commerce's creation, curation, and distribution of data assets that are specifically designed to facilitate the development and advancement of AI technologies such as GenAI.

Thus far, Commerce has made efforts to expose its public data through structured APIs and is developing enriched metadata standards for describing its data assets. To date, Commerce metadata has focused on enabling discovery of data assets rather than the use of those data assets by AI systems, but Commerce sees value in changing this focus. Commerce seeks to further understand how it can make its data assets AI-ready.

In particular, Commerce wishes to explore the following:

- The use of knowledge graphs for variable level metadata, allowing systems to better link human terms to data elements;
- Embracing standardized ontologies such as schema.org or NIEM;
- Harmonizing and linking our internal ontologies and vocabularies using knowledge graphs grounded in standardized ontologies;
- Gathering internal and external written documentation of existing data products and:
    - Mining them for terminology to use in metadata harmonization and linking; or
    - Releasing them in raw formats for the training of AI models;
- Adopting data formats which allow for rich metadata as well as generating metadata ''sidecars'' for more traditional formats such as CSV or SAS;
- Using open standards for APIs with the ability to link into knowledge graphs; and
- Improving guidance and metadata around appropriate data usage and licensing for purposes such as research analytics, text-and-data mining, and AI system ingestion.

Commerce seeks comment on the topics discussed above and responses to the following questions:

Data Dissemination Standards

1. What data dissemination standards should Commerce adopt to support human-readable and machine-understandable public data?

2. What formats, metadata, and documentation should be prioritized to facilitate AI applications?

3. How does raw data, such as data from the sensor networks, differ from derived data, such as statistical data from the U.S. Census Bureau, when it comes to metadata standards?

4. What data licensing practices, standards, and usage considerations should Commerce consider to support broad, equitable, and open access to its datasets and metadata?

5. What current standards exist or are under development that Commerce should consider to clearly signal that its public data is available for use by AI systems (or signal any accompanying conditions or restrictions on said data)?

Data Accessibility and Retrieval

1. How can Commerce's data assets be made more accessible and valuable to the AI community (*e.g.,* improved API access, web crawlability, *etc.*)?

2. How can Commerce develop intuitive and accessible data portals that facilitate easy navigation and retrieval of data sets?

3. What users should Commerce consider when disseminating our AI-ready data? What atypical users should Commerce be sure to consider?

4. What measures can be taken to encourage user-friendly interfaces, including clear labeling and readable

formats, for Commerce's online data resources?

5. How can Commerce better understand the needs of users for its data and the return on its investment in making its data more AI-ready?

Partnership Engagement

1. How can industry and academic stakeholders collaborate with the government to shape the design and dissemination of AI-ready open data?

2. What are the potential areas of partnership, and how can industry and academia contribute to enhancing data quality, integrity, and usefulness for AI purposes?

Data Integrity and Quality

1. What are best practices that industries have employed to enhance the integrity and accuracy of public data when used in AI applications? What are best practices for data verification and validation? What are best practices for conducting regular audits and quality checks of data used in AI applications?

2. How can we collectively address challenges related to authenticity bias, privacy, data quality, equity, and ethical use while maintaining transparency and accountability?

3. What security protocols can be developed to mitigate risks of unauthorized data access and manipulation?

4. How can Commerce promote transparency in data sourcing and processing methods to enhance trust and reliability? What is the expectation for reporting the quality of its data and how can we ensure that information will be carried through and presented to the end user?

5. What validation processes can be established to maintain and verify data accuracy and consistency?

6. How can Commerce facilitate comprehensive and transparent data documentation for replication and analysis?

Data Ethics

1. What steps are needed to establish clear legal and ethical guidelines for AI data usage, ensuring privacy rights, preserving property rights, and focusing on equitable outcomes?

2. What types of policies could Commerce implement to identify and mitigate biases in AI algorithms, including ensuring diverse data representation?

3. What are the best protocols for ethical data collection, processing, and storage that prioritize data integrity and accuracy?

Commerce invites your comments and insights on the above questions, as well as any additional input you deem relevant.

Oliver Wise,

Chief Data Officer, Department of Commerce.

[FR Doc. 2024–08168 Filed 4–16–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 2160]

Production Authority Not Approved; Foreign-Trade Zone 38; Teijin Carbon Fibers, Inc.; (Carbon Fiber); Greenwood, South Carolina

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones (FTZ) Act provides for ''. . . the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the FTZ Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

Whereas, the South Carolina State Ports Authority, grantee of FTZ 38, has requested production authority on behalf of Teijin Carbon Fibers, Inc., within FTZ 38 in Greenwood, South Carolina (B–52–2020, docketed August 6, 2020);

Whereas, notice inviting public comment has been given in the **Federal Register** (85 FR 49359, August 13, 2020; 85 FR 68557, October 29, 2020; 85 FR 81875, December 17, 2020; 86 FR 7695, February 1, 2021; 86 FR 10040, February 18, 2021; 86 FR 23672, May 4, 2021; 86 FR 33218, June 24, 2021; 86 FR 38010, July 19, 2021; 86 FR 48982, September 1, 2021; 88 FR 5853, January 30, 2023; 88 FR 12912, March 1, 2023) and the application, as amended, has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations have not been satisfied;

Now, therefore, the Board hereby does not approve the application, as amended, requesting to remove the restriction requiring that all foreign status 24,000 tow PAN fiber admitted for production activity be re-exported (entry for U.S. consumption was not authorized) within FTZ 38 at the facility of Teijin Carbon Fibers, Inc., located in Greenwood, South Carolina, as described in the application and **Federal Register** notice.

Dated: April 12, 2024.

Dawn Shackleford,

Executive Director of Trade Agreements Policy & Negotiations, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 2024–08189 Filed 4–16–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–68–2024]

Foreign-Trade Zone 80; Application for Subzone; Vitesco Technologies USA, LLC; Seguin, Texas

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the City of San Antonio, grantee of FTZ 80, requesting subzone status for the facility of Vitesco Technologies USA, LLC, located in Seguin, Texas. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on April 11, 2024.

The proposed subzone (50 acres) is located at 3740 North Austin Street, Seguin, Texas. No authorization for production activity has been requested at this time. The proposed subzone would be subject to the existing activation limit of FTZ 80.

In accordance with the FTZ Board's regulations, Kolade Osho 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 May 28, 2024. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to June 11, 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 Kolade Osho at *Kolade.Osho@trade.gov.*

Dated: April 11, 2024.

Elizabeth Whiteman,

Executive Secretary.

[FR Doc. 2024–08101 Filed 4–16–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Renewal of the Renewable Energy and Energy Efficiency Advisory Committee and Solicitation of Nominations for Membership

ACTION: Notice of Renewal of the Renewable Energy and Energy Efficiency Advisory Committee and Solicitation of Nominations for Membership.

SUMMARY: Pursuant to provisions of the Federal Advisory Committee Act, 5 U.S.C. 1001 *et seq,* the Department of Commerce announces the renewal of the Renewable Energy and Energy Efficiency Advisory Committee (the Committee). The Committee shall advise the Secretary of Commerce regarding the development and administration of programs and policies to expand the competitiveness of U.S. exports of renewable energy and energy efficiency goods and services.

The Committee's work on renewable energy will focus on technologies, equipment, and services to generate electricity, produce heat, and power vehicles from renewable sources such as solar, wind, biomass, hydropower, geothermal, and hydrogen. The Committee's work on energy efficiency will focus on technologies, services, and platforms that provide system-level energy efficiency to electricity generation, transmission, and distribution. These include smart grid technologies and services, as well as equipment and systems that increase the resiliency of power infrastructure such as energy storage. Climate solutions in the energy sector, such as low-carbon hydrogen production, clean energy transportation, and virtual power plants are also within the scope of the Committee. For the purposes of this Committee, covered goods and services will not include vehicles, feedstock for biofuels, or energy efficiency as it relates to consumer goods or buildings. Non-fossil fuels that reduce carbon consumption (*e.g.,* liquid biofuels and pellets) are included. This notice also requests nominations for membership.

DATES: Applications or nominations for members must be received on or before 5:00 p.m. Eastern Daylight Time (EDT) on Friday May 31, 2024. After that date, the International Trade Administration (ITA) may continue to accept nominations under this notice to fill any vacancies that may arise.

ADDRESSES: Applications or nominations may be emailed to *Cora.Dickson@trade.gov.*

FOR FURTHER INFORMATION CONTACT: Cora Dickson, Designated Federal Officer, Renewable Energy and Energy Efficiency Advisory Committee, Office of Energy & Environmental Industries, U.S. Department of Commerce; phone 202–482–6083; email *Cora.Dickson@trade.gov.* Interested parties can also view Committee documents on the REEEAC website at *http://trade.gov/reeeac.*

SUPPLEMENTARY INFORMATION: The Committee shall consist of up to 30 members appointed by the Secretary in accordance with applicable Department of Commerce guidance and based on their ability to carry out the objectives of the Committee. Members shall represent U.S. companies, U.S. trade associations, U.S. private sector organizations, and civil society groups with activities focused on the export competitiveness of U.S. renewable energy and energy efficiency goods and services. The Committee shall also represent the range of company or organizational roles in the development of renewable energy and energy efficiency projects, including, for example, project developers, technology integrators, financial institutions, and manufacturers. Members of the Committee are selected, in accordance with applicable Department of Commerce guidelines, based on their ability to carry out the objectives of the Committee as set forth in the Charter and in a manner that ensures that the Committee is balanced in terms of points of view, industry subsector, geography, and company size. The diverse membership of the Committee assures perspectives reflecting the breadth of the Committee's responsibilities, and, where possible, the Department of Commerce will also consider the ethnic, racial, gender, sexual orientation, and gender identity diversity and various abilities of the United States population.

Members serve at the pleasure of the Secretary from the date of appointment to the Committee to the date on which the Committee's charter terminates. Members serve in a representative capacity presenting the views and interests of a U.S. entity or U.S. organization, as well as their particular subsector; they are, therefore, not Special Government Employees.

Members of the Committee must not be registered as foreign agents under the Foreign Agents Registration Act. No member may represent a company that is majority owned or controlled by a foreign government entity (or foreign government entities). Members of the Committee will not be compensated for their services or reimbursed for their travel expenses.

If you are interested in applying or nominating someone else to become a member of the Committee, please provide the following information:

(1) Sponsor letter on the company's, trade association's or organization's letterhead containing the name, title, and relevant contact information (including phone, fax, and email address) of the individual who is applying or being nominated;

(2) An affirmative statement that the nominee will be able to meet the expected time commitments of Committee work. Committee work includes (1) a commitment to attend quarterly committee meetings (two in-person meetings lasting one day each and two virtual meetings lasting 2–4 hours each), (2) undertaking additional work outside of full committee meetings including regular participation in virtual subcommittee meetings, and (3) frequently drafting, preparing, or commenting on proposed recommendations to be evaluated at Committee meetings;

(3) Short biography of nominee, including credentials;

(4) Brief description (not brochures or other marketing collateral) of the company, trade association, or organization to be represented and its business activities, company size (number of employees and annual sales), and export markets served;

(5) An affirmative statement that the nominee meets all Committee eligibility requirements.

The attendance record of a nominated individual who has served on the Committee will be taken into consideration for reappointment. In principle, appointed Committee members should be absent from the Committee meetings (virtual or in-person) no more than once a year, for example, due to illness, family emergency, weather delays, etc. In-person meetings will not be held in a hybrid format. ITA will endeavor to announce in-person meetings sufficiently in advance for the members to adjust their travel plans or schedules accordingly.

See the **ADDRESSES** and **DATES** captions above for how and the deadline to submit nominations.

Public Burden Statement

A Federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with an information collection subject to the requirements of the Paperwork Reduction Act of 1995 unless the information collection has a currently valid OMB Control Number. The approved OMB Control Number for this information collection is 0625–0143. Without this approval, we could not conduct this information collection. Public reporting for this information collection is estimated to be approximately 30–60 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection. All responses to this information collection are voluntary. Send comments regarding this burden estimate or any other aspect of this information collection, including suggestions for reducing this burden to the International Trade Administration Paperwork Reduction Act Program: *pra@trade.gov* or to Katelynn Byers, ITA PRA Process Administrator: *Katelynn.Byers@trade.gov.*

Nominees selected for appointment to the Committee will be notified by mail.

Man K. Cho,

Deputy Director, Office of Energy and Environmental Industries, International Trade Administration.

[FR Doc. 2024–08135 Filed 4–16–24; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–428–849]

Common Alloy Aluminum Sheet From Germany: Final Results of Changed Circumstances Review and Revocation of the Antidumping Duty Order, in Part

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

SUMMARY: The U.S. Department of Commerce (Commerce) is revoking, in part, the antidumping duty (AD) order on common alloy aluminum sheet (CAAS) from Germany with respect to certain lithographic-grade aluminum sheet.

DATES: Applicable April 17, 2024.

FOR FURTHER INFORMATION CONTACT: Stephanie Trejo, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4390.

SUPPLEMENTARY INFORMATION:

Background

On April 27, 2021, Commerce published the AD order on common alloy aluminum sheet from Germany in the **Federal Register**.[1] On May 9, 2023, Eastman Kodak Company (Kodak), a U.S. importer of subject merchandise, requested that Commerce conduct a changed circumstances review (CCR), and revoke, in part, the *CAAS AD Germany Order* with respect to certain lithographic-grade aluminum sheet pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.216(b).[2]

After initiating the requested CCR,[3] Commerce preliminarily determined to revoke the *CAAS AD Germany Order,* in part, with respect to certain lithographic-grade aluminum sheet, pursuant to section 751(b)(1) of the Act and 19 CFR 351.216(b).[4] Commerce invited interested parties to comment on the *Preliminary Results.*[5] On February 20, 2024, Commerce received comments from Kodak and the Aluminum Association Common Alloy Aluminum Sheet Trade Enforcement Working Group and its individual members (Aluminum Association).[6] On February 26, 2024, Kodak responded to the Aluminum Association's comments.[7]

[1] *See Common Alloy Aluminum Sheet from Bahrain, Brazil, Croatia, Egypt, Germany, India, Indonesia, Italy, Oman, Romania, Serbia, Slovenia, South Africa, Spain, Taiwan, and the Republic of Turkey: Antidumping Duty Orders.* 86 FR 22139, (April 27, 2021) (*CAAS AD Germany Order* or *Order*).

[2] *See* Kodak's Letter, ''Request for Expedited Changed Circumstances Review,'' dated May 9, 2023 (CCR Request).

[3] *See Common Alloy Aluminum Sheet from Germany: Notice of Initiation of Changed Circumstances Review, and Consideration of Revocation, in Part, of the Antidumping Duty Order,* 88 FR 49446 (July 31, 2023) (*Initiation Notice*).

[4] *See Common Alloy Aluminum Sheet from Germany: Preliminary Results of Changed Circumstances Review, and Intent To Revoke the Antidumping Duty Order, in Part,* 89 FR 7686 (February 5, 2024) (*Preliminary Results*).

[5] *Id.* 89 FR at 7686.

[6] *See* Kodak's Letter, ''Case Brief and Request to Expedite Final Results,'' dated February 20, 2024 (Kodak's Comments); *see also* Aluminum Association's Letter, ''Petitioners' Comments on the Department's Preliminary Results of Changed Circumstances Review,'' dated February 20, 2024 (Petitioners' Comments).

[7] *See* Kodak's Letter, ''Letter in Lieu of Rebuttal Comments,'' dated February 26, 2024.

Final Results of Changed Circumstances Review and Revocation of the CAAS AD Germany Order, in Part

In their comments, Kodak and the Aluminum Association agreed with, and supported, Commerce's *Preliminary Results.*[8] Kodak also requested that Commerce issue the final results of this CCR on an expedited basis (*i.e.,* within 45 days of publication of the *Preliminary Results* in the **Federal Register**) pursuant to 19 CFR 351.216(e). However, the 45-day timeline described in 19 CFR 351.216(e) starts on the date that Commerce initiated the CCR, not on the date that it published the *Preliminary Results* of the CCR in the **Federal Register**. Thus, Kodak has misapplied that deadline. Moreover, in the *Preliminary Results,* Commerce explicitly stated that it would ''issue the final results of this CCR, which will include its analysis of any written comments, no later than 270 days after the date on which this review was initiated.'' [9]

Because no party submitted comments opposing the *Preliminary Results* of this CCR, and the record contains no other information or evidence that calls into question the *Preliminary Results,* Commerce determines, pursuant to sections 751(d)(1) and 782(h) of the Act, and 19 CFR 351.222(g), that there are changed circumstances that warrant revocation of the *CAAS AD Germany Order,* in part, with respect to certain lithographic-grade aluminum sheet. Consequently, there is no decision memorandum accompanying this notice.

Specifically, because producers accounting for substantially all of the production of the domestic like product to which the *CAAS AD Germany Order* pertains have not expressed interest in maintaining the relief provided by the *CAAS AD Germany Order* with respect to certain lithographic-grade aluminum sheet, as described below, Commerce is revoking the *CAAS AD Germany Order,* in part, with respect to the following product:

Lithographic-grade aluminum sheet that meets the following criteria: (i) a Copper (Cu) content of no more than 0.01 percent, a Zinc (Zn) content of ≤0.05%, a Silicon (Si) content of 0.05%–0.20% and an Iron (Fe) content of 0.30%–0.50%; (ii) a thickness between 0.267 mm–0.3705 mm, (iii) a width of 500 mm–1650 mm, (iv) a maximum wave height of no more than 3.0 mm, (v)

[8] *See* Kodak's Comments; *see also* Petitioners' Comments.

[9] *See Preliminary Results,* 89 FR at 7689.

a tensile strength of 130 MPa or more (after baking), and (vi) a surface roughness less than or equal to Ra 0.26 µm.

The revised scope for the *CAAS AD Germany Order* is below.

Scope of the Order

The products covered by the *Order* are common alloy aluminum sheet, which is a flat-rolled aluminum product having a thickness of 6.3 mm or less, but greater than 0.2 mm, in coils or cut-to-length, regardless of width. Common alloy sheet within the scope of the *Order* includes both not clad aluminum sheet, as well as multi-alloy, clad aluminum sheet. With respect to not clad aluminum sheet, common alloy sheet is manufactured from a 1XXX-, 3XXX-, or 5XXX-series alloy as designated by the Aluminum Association. With respect to multi-alloy, clad aluminum sheet, common alloy sheet is produced from a 3XXX-series core, to which cladding layers are applied to either one or both sides of the core. The use of a proprietary alloy or non-proprietary alloy that is not specifically registered by the Aluminum Association as a discrete 1XXX-, 3XXX-, or 5XXX-series alloy, but that otherwise has a chemistry that is consistent with these designations, does not remove an otherwise in-scope product from the scope.

Common alloy sheet may be made to ASTM specification B209–14 but can also be made to other specifications. Regardless of specification, however, all common alloy sheet meeting the scope description is included in the scope. Subject merchandise includes common alloy sheet that has been further processed in a third country, including but not limited to annealing, tempering, painting, varnishing, trimming, cutting, punching, and/or slitting, or any other processing that would not otherwise remove the merchandise from the scope of the *Order* if performed in the country of manufacture of the common alloy sheet.

Excluded from the scope of the *Order* is aluminum can stock, which is suitable for use in the manufacture of aluminum beverage cans, lids of such cans, or tabs used to open such cans. Aluminum can stock is produced to gauges that range from 0.200 mm to 0.292 mm, and has an H–19, H–41, H–48, H–39, or H–391 temper. In addition, aluminum can stock has a lubricant applied to the flat surfaces of the can stock to facilitate its movement through machines used in the manufacture of beverage cans. Aluminum can stock is properly classified under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7606.12.3045 and 7606.12.3055.

Also excluded from the scope of the *Order* is lithographic-grade aluminum sheet that meets the following criteria: (i) a Copper (Cu) content of no more than 0.01 percent, a Zinc (Zn) content of ≤0.05%, a Silicon (Si) content of 0.05%–0.20% and an Iron (Fe) content of 0.30%–0.50%; (ii) a thickness between 0.267 mm–0.3705 mm, (iii) a width of 500 mm–1650 mm, (iv) a maximum wave height of no more than 3.0 mm, (v) a tensile strength of 130 MPa or more (after baking), and (vi) a surface roughness less than or equal to Ra 0.26 µm.

Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set for the above.

Common alloy sheet is currently classifiable under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3096, 7606.12.6000, 7606.91.3095, 7606.91.6095, 7606.92.3035, and 7606.92.6095. Further, merchandise that falls within the scope of the Order may also be entered into the United States under HTSUS subheadings 7606.11.3030, 7606.12.3015, 7606.12.3025, 7606.12.3035, 7606.12.3091, 7606.91.3055, 7606.91.6055, 7606.92.3025, 7606.92.6055, 7607.11.9090. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the *Order* is dispositive.

Application of the Final Results of Review

Section 751(d)(3) of the Act provides that ''{a} determination under this section to revoke an order . . . shall apply with respect to unliquidated entries of the subject merchandise which are entered, or withdrawn from warehouse, for consumption on or after the date determined by the administering authority.'' Commerce's general practice is to instruct U.S. Customs and Border Protection (CBP) to liquidate without regard to antidumping or countervailing duties, and to refund any estimated antidumping or countervailing duties on, all unliquidated entries of the merchandise covered by a revocation that are not covered by the final results of an administrative review or automatic liquidation.[10] Consistent with this practice, we are applying the final results of this CCR to all unliquidated entries of the merchandise covered by the revocation which have been entered, or withdrawn from warehouse, for consumption on or after April 1, 2023.[11]

Instructions to CBP

Because we determine that there are changed circumstances that warrant the revocation of the *CAAS AD Germany Order,* in part, we will instruct CBP to liquidate without regard to antidumping duties, and to refund any estimated antidumping duties on, all unliquidated entries of the merchandise covered by this partial revocation which have been entered, or withdrawn from warehouse, for consumption on or after April 1, 2023.

Commerce intends to issue instructions to CBP no earlier than 35 days after the date of publication of these final results of CCR in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Administrative Protective Order

This notice serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is

[10] *See e.g., Certain Pasta from Italy: Final Results of Countervailing Duty Changed Circumstances Review and Revocation, In Part,* 76 FR 27634 (May 12, 2011); *Stainless Steel Bar from the United Kingdom: Notice of Final Results of Changed Circumstances Review and Revocation of Order, in Part,* 72 FR 65706 (November 23, 2007); *Notice of Final Results of Antidumping Duty Changed Circumstances Review and Revocation of Order In Part: Certain Corrosion-Resistant Carbon Steel Flat Products from Germany,* 71 FR 66163 (November 13, 2006); *Notice of Final Results of Antidumping Duty Changed Circumstances Reviews and Revocation of Orders in Part: Certain Corrosion-Resistant Carbon Steel Flat Products from Canada and Germany,* 71 FR 14498 (March 22, 2006); *Notice of Final Results of Antidumping Duty Changed Circumstances Review, and Determination to Revoke Order in Part: Certain Cased Pencils from the People's Republic of China,* 68 FR 62428 (November 4, 2003).

[11] Commerce issued the final results of the administrative review of the *CAAS AD Germany Order* covering the period October 15, 2020 through March 31, 2022 on November 3, 2023. *See Common Alloy Aluminum Sheet from Germany: Final Results of Antidumping Duty Administrative Review; 2020–2022,* 88 FR 77556 (November 13, 2023). Commerce issued the automatic liquidation instruction for the administrative review of the *CAAS AD Germany Order* covering the period April 1, 2022 through March 31, 2023 on July 21, 2023. *See* CBP Message 3202416, ''Automatic Liquidation Instructions,'' dated July 21, 2023.

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 final results of CCR in accordance with sections 751(b) and 777(i) of the Act, and 19 CFR 351.216, 19 CFR 351.221(c)(3), and 19 CFR 351.222.

Dated: April 10, 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. 2024–08125 Filed 4–16–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Notice of Opportunity To Request Administrative Review; Correction

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

ACTION: Notice; correction.

SUMMARY: The U.S. Department of Commerce (Commerce) published a notice of opportunity to request administrative reviews of orders, findings, or suspended investigations with anniversary dates in April 2024 in the **Federal Register** of April 1, 2024. Commerce inadvertently omitted the countervailing duty order on Common Alloy Aluminum Sheet from Bahrain, and the period of review for that order of 1/1/2023–12/31/2023, from that notice. We are including the missing information in this correction notice.

FOR FURTHER INFORMATION CONTACT: Brenda E. Brown, AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482–4735.

SUPPLEMENTARY INFORMATION:

Correction

In the Federal Resister of April 1, 2024, in FR Doc. 2024–06838,[1] the table should have included the countervailing duty order on Common Alloy Aluminum Sheet from the Bahrain (C–525–002) and the period of review for that order of 1/1/2023–12/31/2023. Therefore, we are hereby notifying interested parties that not later than 30 days after the date of publication of this correction notice, they may request an administrative review of the countervailing duty order on Common Alloy Aluminum Sheet from Bahrain, and period of review for 1/1/2023–12/31/2023.

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review,* 89 FR 22390 (April 1, 2024).

Dated: April 11, 2024.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2024–08128 Filed 4–16–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XD857]

Endangered and Threatened Species; Initiation of a 5-Year Review for the Endangered Western Distinct Population Segment of Steller Sea Lion

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

ACTION: Notice of initiation of 5-year review; request for information.

SUMMARY: NMFS announces its intent to conduct a 5-year review of the endangered western distinct population segment (DPS) of the Steller sea lion (*Eumetopias jubatus*). NMFS is required by the Endangered Species Act (ESA) to conduct 5-year reviews to ensure that listing classifications of species are accurate. The 5-year review must be based on the best scientific and commercial data available at the time of the review. We request submission of any such information on the western DPS (WDPS) of Steller sea lion, particularly information on their status, threats, and recovery that has become available since the previous 5-year review was issued in 2020.

DATES: To allow us adequate time to conduct this review, we must receive your information no later than June 17, 2024. However, we will continue to accept new information about any listed species at any time.

ADDRESSES: You may submit comments on this document, identified by docket number NOAA–NMFS–2024–0032, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Visit *https://www.regulations.gov* and type NOAA–NMFS–2024–0032 in the Search box. Click on the ''Comment'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Anne Marie Eich, Assistant Regional Administrator for Protected Resources, Alaska Region NMFS, Attn: Records Office. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.
- *Fax:* (907) 586–7012; Attn: Dr. Anne Marie Eich.

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

FOR FURTHER INFORMATION CONTACT: Kim Raum-Suryan, NMFS Alaska Region, 907–586–7424, *kim.raum-suryan@noaa.gov.*

SUPPLEMENTARY INFORMATION: Section 4(c)(2)(A) of the ESA requires that the Secretary, through NMFS, conduct a review of ESA-listed species at least once every 5 years (16 U.S.C. 1533(c)(2)(A)). The regulations in 50 CFR 424.21 require that we publish a notice in the **Federal Register** announcing species currently under active review. On the basis of such reviews, under section 4(c)(2)(B) we determine whether a listed species should be delisted, or be reclassified from endangered to threatened or from threatened to endangered (16 U.S.C. 1533(c)(2)(B)). As described by the regulations in 50 CFR 424.11(e), the Secretary shall delist a species if the Secretary finds that, after conducting a status review based on the best scientific and commercial data available: (1) the species is extinct; (2) the species has recovered to the point at which it no longer meets the definition of an endangered species or a threatened species; (3) new information that has become available since the original listing decision shows the listed entity does not meet the definition of an endangered species or a threatened species; or (4) new information that has become available since the original listing decision shows the listed entity does not meet the definition of a species. Any change in Federal classification would require a separate rulemaking process.

The Steller sea lion was listed as threatened under the ESA by an emergency interim rule on April 5, 1990 (55 FR 12645). NMFS published a final rule to list the Steller sea lion as a threatened species under the ESA on November 26, 1990 (55 FR 49204). NMFS designated critical habitat for the Steller sea lion on August 27, 1993 (58 FR 45269). On May 5, 1997, based on demographic and genetic dissimilarities, NMFS reclassified the Steller sea lion into two DPSs: a WDPS, listed as endangered, and an eastern DPS (EDPS), listed as threatened (62 FR 24345). The WDPS, comprised of animals originating from breeding sites west of 144° W longitude, was listed as endangered (62 FR 24345, May 5, 1997) due to persistent decline and lack of recovery, while the EDPS remained listed as threatened. On November 4, 2013, NMFS delisted the EDPS Steller sea lion (78 FR 66140). NMFS completed the last 5-year review of this species on February 20, 2020 and the document is available on the NMFS website at: *https://www.fisheries.noaa.gov/resource/document/western-distinct-population-segment-steller-sea-lion-5-year-review-summary-and.* Background information on these Steller sea lion DPSs is available on the NMFS website at: *https://www.fisheries.noaa.gov/species/steller-sea-lion/overview.*

Determining if a Species Is Threatened or Endangered

Section 4(a)(1) of the ESA requires that we determine whether a species is endangered or threatened based on one or more of the five following factors: (1) the present or threatened destruction, modification, or curtailment of its habitat or range; (2) overutilization for commercial, recreational, scientific, or educational purposes; (3) disease or predation; (4) the inadequacy of existing regulatory mechanisms; or (5) other natural or manmade factors affecting its continued existence. Section 4(b) also requires that our determination be made on the basis of the best scientific and commercial data available after conducting a review of the status of the species and after taking into account those efforts, if any, being made by any State or foreign nation to protect such species.

Application of the DPS Policy

On February 7, 1996, NMFS adopted the Policy Regarding the Recognition of Distinct Vertebrate Population Segments (DPS Policy) to clarify the interpretation of the phrase ''distinct population segment of any species of vertebrate fish or wildlife'' for the purposes of listing, delisting, and reclassifying species under the ESA (61 FR 4722). The WDPS of Steller sea lion was listed as a DPS of a vertebrate taxon. In the application of the DPS Policy, we are responsible for determining whether species, subspecies, or DPSs of marine and anadromous species are threatened or endangered under the ESA. A DPS is defined in the DPS Policy (61 FR 4722, February 7, 1996). For a population to be listed under the ESA as a DPS, three elements are considered: (1) the discreteness of the population segment in relation to the remainder of the species to which it belongs; (2) the significance of the population segment to the species to which it belongs; and (3) the population segment's conservation status in relation to the Act's standards for listing (*i.e.,* is the population segment, when treated as if it were a species, endangered or threatened?). DPSs of vertebrate species, as well as subspecies of all listed species, may be proposed for separate reclassification or for removal from the List. As required by the DPS policy, we will apply the DPS policy during the 5-year review.

Public Solicitation of New Relevant Information

To ensure that the 5-year review is complete and based on the best scientific and commercial data available, we are soliciting new information from the public, governmental agencies, Tribes, the scientific community, industry, environmental entities, and any other interested parties concerning the status of the endangered WDPS of the Steller sea lion. Categories of requested information include: (1) species biology including, but not limited to, population trends, distribution, abundance, demographics, and genetics; (2) habitat conditions including, but not limited to, amount, distribution, suitability, and important features for conservation; (3) status and trends of threats to the species and its habitats; (4) conservation measures that have been implemented that benefit the species, including monitoring data demonstrating effectiveness of such measures; (5) need for additional conservation measures; and (6) other new information, data, or corrections including, but not limited to, taxonomic or nomenclatural changes and improved analytical methods for evaluating extinction risk.

If you wish to provide information for this review, you may submit your information and materials electronically or via mail (see **ADDRESSES** section). We request that all information be accompanied by supporting documentation such as maps, bibliographic references, or reprints of pertinent publications. We also would appreciate the submitter's name, address, and any association, institution, or business that the person represents; however, anonymous submissions will also be accepted.

Authority: 16 U.S.C. 1531 *et seq.*

Dated: April 12, 2024.

Angela Somma,

Chief, Endangered Species Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2024–08208 Filed 4–16–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XD875]

Marine Mammals and Endangered Species

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

ACTION: Notice; issuance of permits and permit amendments.

SUMMARY: Notice is hereby given that permits and permit amendments have been issued to the following entities under the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA), as applicable.

ADDRESSES: The permits and related documents are available for review upon written request via email to *NMFS.Pr1Comments@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Amy Hapeman (Permit No. 25563–01) and Jennifer Skidmore (Permit Nos. 22095–01 and 27514); at (301) 427–8401.

SUPPLEMENTARY INFORMATION: Notices were published in the **Federal Register** on the dates listed below that requests for a permit or permit amendment had been submitted by the below-named applicants. To locate the **Federal Register** notice that announced our receipt of the application and a complete description of the activities, go to *https://www.federalregister.gov* and search on the permit number provided in table 1 below.

TABLE 1—ISSUED PERMITS AND PERMIT AMENDMENTS

Permit No.	RTID	Applicant	Previous **Federal Register** Notice	Issuance date
22095–01	0648–XG371	SeaWorld LLC, 9205 South Park Center Loop, Suite 400, Orlando, FL 32819 (Responsible Party: Christopher Dold, DVM).	84 FR 15595, April 16, 2019	March 15, 2024.
25563–01	0648–XD609	NMFS Alaska Fisheries Science Center, Marine Mammal Laboratory, 7600 Sand Point Way NE, Seattle, WA 98115 (Responsible Party: John Bengtson, Ph.D.).	89 FR 906, January 8, 2024	March 8, 2024.
27514	0648–XD552	Heather E. Liwanag, Ph.D., California Polytechnic State University, 1 Grand Avenue, San Luis Obispo, CA 93407.	88 FR 81368, November 22, 2023.	March 21, 2024.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activities proposed are categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

As required by the ESA, as applicable, issuance of these permit was based on a finding that such permits: (1) were applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA.

Authority: The requested permits have been issued under the MMPA of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the ESA of 1973, as amended (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), as applicable.

Dated: April 12, 2024.

Julia M. Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2024–08190 Filed 4–16–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

National Integrated Drought Information System (NIDIS) Executive Council Meeting

AGENCY: Climate Program Office (CPO), Office of Oceanic and Atmospheric Research (OAR), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of open meeting.

SUMMARY: The National Integrated Drought Information System (NIDIS) Program Office will hold an organizational meeting of the NIDIS Executive Council on April 25, 2024.

DATES: The meeting will be held Thursday, April 25, 2024 from 8:30 a.m. EST to 3:30 p.m. EST. These times and the agenda topics are subject to change.

ADDRESSES: The meeting will be held at the Hall of the States, Room 233/235, 444 North Capitol St. NW, Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: Veva Deheza, NIDIS Executive Director, David Skaggs Research Center, Room GD102, 325 Broadway, Boulder, CO 80305. Email: *Veva.Deheza@noaa.gov;* or visit the NIDIS website at *www.drought.gov.*

SUPPLEMENTARY INFORMATION: The National Integrated Drought Information System (NIDIS) was established by Public Law 109–430 on December 20, 2006, and reauthorized by Public Law 113–86 on March 6, 2014 and Public Law 115–423 on January 7, 2019 , with a mandate to provide an effective drought early warning system for the United States; coordinate, and integrate as practicable, Federal research in support of a drought early warning system; and build upon existing forecasting and assessment programs and partnerships. *See* 15 U.S.C. 313d. The Public Law also calls for consultation with ''relevant Federal, regional, State, tribal, and local government agencies, research institutions, and the private sector'' in the development of NIDIS. 15 U.S.C. 313d(c). The NIDIS Executive Council provides the NIDIS Program Office with an opportunity to engage in individual consultation with senior resource officials from NIDIS's Federal partners, as well as leaders from state and local government, academia, nongovernmental organizations, and the private sector.

Status: This meeting will be open to public participation. Individuals interested in attending should register at *https://cpaess.ucar.edu/meetings/nidis-executive-spring-council-meeting-2024.* Please refer to this web page for the most up-to-date meeting times and agenda. Seating at the meeting will be available on a first-come, first-served basis.

Special Accommodations: This meeting is physically accessible to people with disabilities. Requests for special accommodations may be directed no later than 12:00 p.m. on April 19, 2024, to Elizabeth Ossowski, Program Manager, David Skaggs Research Center, Room GD102, 325 Broadway, Boulder, CO 80305; Email: *Elizabeth.Ossowski@noaa.gov.*

Matters to Be Considered: The meeting will include the following topics: (1) NIDIS implementation updates and 2024 priorities; (2) Executive Council member updates and 2024 priorities relevant to Drought, Climate Adaptation and Resilience, Water, Fire; (3) Regional Drought Early Warning Systems and Partnership Opportunities, as well as Research and Development; and (4) Managing for both too much and too little water across water resource management disciplines.

David Holst,

Chief Financial Officer/Administrative Officer, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 2024–08192 Filed 4–16–24; 8:45 am]

BILLING CODE 3510–KB–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Trademark Submissions Regarding Correspondence and Regarding Attorney Representation

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Notice of information collection; request for comment.

SUMMARY: The United States Patent and Trademark Office (USPTO), as required by the Paperwork Reduction Act of 1995, invites comments on the extension and revision of an existing information collection: 0651–0056 (Trademark Submissions Regarding Correspondence and Regarding Attorney Representation). The purpose of this notice is to allow 60 days for public comment preceding submission of the information collection to OMB.

DATES: To ensure consideration, comments regarding this information collection must be received on or before June 17, 2024.

ADDRESSES: Interested persons are invited to submit written comments by any of the following methods. Do not submit Confidential Business Information or otherwise sensitive or protected information.

- *Email: InformationCollection@uspto.gov.* Include ''0651–0056 comment'' in the subject line of the message.
- *Federal eRulemaking Portal: http://www.regulations.gov.*
- *Mail:* Justin Isaac, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

FOR FURTHER INFORMATION CONTACT: Request for additional information should be directed to Catherine Cain, Attorney Advisor, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at 571–272–8946; or by email at *Catherine.Cain@uspto.gov* with ''0651–0056 comment'' in the subject line. Additional information about this information collection is also available at *http://www.reginfo.gov* under ''Information Collection Review.''

SUPPLEMENTARY INFORMATION:

I. Abstract

The United States Patent and Trademark Office (USPTO) administers the Trademark Act (Act), 15 U.S.C 1051 *et seq.,* which provides for the Federal registration of trademarks, service marks, collective trademarks and service marks, collective membership marks, and certification marks. Individuals and businesses that use or intend to use such marks in commerce may file an application to register their marks with the USPTO.

Such individuals and businesses may also submit various communications to the USPTO regarding their pending applications or registered trademarks, including providing additional information needed to process a pending application, filing amendments to the application, or filing the papers necessary to keep a trademark in force. In the majority of circumstances, individuals and businesses retain attorneys to handle these matters. As such, these parties may also submit communications to the USPTO regarding the appointment of attorneys to represent applicants or registrants in the application or post-registration processes or, in the case of applicants or registrants who are not domiciled in the United States, the appointment of domestic representatives on whom may be served notices of process in proceedings affecting the mark, the revocation of an attorney's or domestic representative's appointment, and requests for permission to withdraw from representation.

The regulations implementing the Act are set forth in 37 CFR part 2. Regulations regarding representation of others before the USPTO are also set forth in 37 CFR part 11. In addition to governing the registration of trademarks, the Act and regulations govern the appointment and revocation of attorneys and domestic representatives and provide the specifics for filing requests for permission to withdraw as the attorney of record. The information in this information collection is available to the public.

This information collection covers various actions concerning the appointment and retention of attorneys and domestic representatives in trademark registrations. The information in this collection is also a matter of public record and is utilized by the public for a variety of private business purposes related to establishing and enforcing trademark rights.

II. Method of Collection

Items in this information collection must be submitted electronically. In limited circumstances, applicants may be permitted to submit the information in paper form by mail, fax, or hand delivery.

III. Data

OMB Control Number: 0651–0056.

Forms:

- PTO–2201 (Request for Withdrawal as Attorney of Record/Update of USPTO's Database After Power of Attorney Ends)
- PTO–2300 (Change Address or Representation Form)

Type of Review: Extension and revision of a currently approved information collection.

Affected Public: Private sector.

Respondent's Obligation: Required to obtain or retain benefits.

Estimated Number of Annual Respondents: 486,000 respondents.

Estimated Number of Annual Responses: 486,000 responses.

Frequency: On occasion.

Estimated Time per Response: The USPTO estimates that the responses in this information collection will take the public approximately between 15 minutes (0.25 hours) and 1 hour to complete. This includes the time to gather the necessary information, prepare the appropriate documents, and submit the completed request to the USPTO.

Estimated Total Annual Respondent Burden Hours: 156,650 hours.

Estimated Total Annual Respondent Hourly Cost Burden: $70,022,550.

TABLE 1—TOTAL BURDEN HOURS AND HOURLY COSTS TO PRIVATE SECTOR RESPONDENTS

Item No.	Item	Estimated annual respondents (a)	Responses per respondent (b)	Estimated annual responses (a) × (b) = (c)	Estimated time for response (hours) (d)	Estimated burden (hour/year) (c) × (d) = (e)	Rate [1] ($/hour) (f)	Estimated annual respondent cost burden (e) × (f) = (g)
1	Revocation, Appointment, and/or Change of Address of Attorney/Domestic Representative—PTO–2300.	430,000	1	430,000	0.33 (20 minutes)	141,900	$447	$63,429,300
2	Request for Withdrawal as Attorney of Record/Update of USPTO's Database After Power of Attorney Ends—PTO–2201.	45,000	1	45,000	0.25 (15 minutes)	11,250	447	5,028,750
3	Replacement of Attorney of Record with Another Already-Appointed Attorney—PTO–2300.	1,000	1	1,000	1	1,000	447	447,000
4	Request to Withdraw as Domestic Representative—PTO–2300.	10,000	1	10,000	0.25 (15 minutes)	2,500	447	1,117,500
	Totals	486,000		486,000		156,650		70,022,550

[1] 2023 Report of the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association (AIPLA); pg. F–41. The USPTO uses the average billing rate for intellectual property work in all firms which is $447 per hour (*https://www.aipla.org/home/news-publications/economic-survey*).

Estimated Total Annual Respondent Non-hourly Cost Burden: $508. There are no capital start-up, maintenance costs, recordkeeping costs, or filing fees associated with this information collection. However, USPTO estimates that the total annual (non-hour) cost burden for this information collection, in the form of postage is $508.

Postage Costs: In limited circumstances, applicants may be permitted to submit the information in paper form by mail, fax, or hand delivery. Applicants and registrants incur postage costs when submitting information to the USPTO by mail through the United States Postal Service. The USPTO estimates that 50 of the items in this information collection will submitted via mail. The USPTO estimates that the average postage cost for a mailed submission, using a Priority Mail legal flat rate envelope, will be $10.15. Therefore, the USPTO estimates the total mailing costs for this information collection at $508.

IV. Request for Comments

The USPTO is soliciting public comments to:

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

(b) Evaluate the accuracy of the Agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected; and

(d) 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.

All comments submitted in response to this notice are a matter of public record. USPTO will include or summarize each comment in the request to OMB to approve this information collection. Before including an address, phone number, email address, or other personally identifiable information (PII) in a comment, be aware that the entire comment—including PII—may be made publicly available at any time. While you may ask in your comment to withhold PII from public view, USPTO cannot guarantee that it will be able to do so.

Justin Isaac,

Information Collections Officer, Office of the Chief Administrative Officer, United States Patent and Trademark Office.

[FR Doc. 2024–08089 Filed 4–16–24; 8:45 am]

BILLING CODE 3510–16–P

COMMODITY FUTURES TRADING COMMISSION

Technology Advisory Committee

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of meeting.

SUMMARY: The Commodity Futures Trading Commission (CFTC) announces that on May 2, 2024, from 1:00 p.m. to 4:00 p.m. Eastern Daylight Time, the Technology Advisory Committee (TAC or Committee) will hold an in-person public meeting at the CFTC's Washington, DC headquarters with options for the public to attend virtually. At this meeting, the TAC will continue its study of artificial intelligence in regulated financial services and discuss the work of the Subcommittee on Emerging and Evolving Technologies.

DATES: The meeting will be held on May 2, 2024, from 1:00 p.m. to 4:00 p.m. Eastern Daylight Time. Please note that the meeting may end early if the TAC has completed its business. Members of the public who wish to submit written statements in connection with the meeting should submit them by May 9, 2024.

ADDRESSES: The meeting will take place in the Conference Center at the CFTC's headquarters, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581. You may submit public comments, identified by ''Technology Advisory Committee,'' through the CFTC website at *https://comments.cftc.gov.* Follow the instructions for submitting comments through the Comments Online process on the website. If you are unable to submit comments online, contact Anthony Biagioli, Designated Federal Officer, via the contact information listed below to discuss alternate means of submitting your comments. Any statements submitted in connection with the committee meeting will be made available to the public, including publication on the CFTC website, *https://www.cftc.gov.*

FOR FURTHER INFORMATION CONTACT: Anthony Biagioli, TAC Designated Federal Officer, Commodity Futures Trading Commission, 2600 Grand

Boulevard, Suite 210, Kansas City, MO 64108; (816) 960–7722; or *abiagioli@cftc.gov.*

SUPPLEMENTARY INFORMATION: The meeting will be open to the public with seating on a first-come, first-served basis. Members of the public may also listen to the meeting by telephone by calling a domestic or international toll or toll-free number to connect to a live, listen-only audio feed. Call-in participants should be prepared to provide their first name, last name, and affiliation.

Domestic Numbers: +1 669 254 5252, +1 646 964 1167, +1 646 828 7666, +1 551 285 1373, +1 669 216 1590, +1 415 449 4000, 833 568 8864 (Toll Free), or 833 435 1820 (Toll Free).

International Numbers: Will be posted at *https://cftc-gov.zoomgov.com/u/azaf0Y0EP.*

Call-In/Webinar ID: 161 795 9973.

Pass Code/Pin Code: 530356.

Members of the public may also view a live webcast of the meeting via the *https://www.cftc.gov* website. The meeting agenda may change to accommodate other TAC priorities. For agenda updates, please visit *https://www.cftc.gov/About/AdvisoryCommittees/TAC#:~:text=The%20Technology%20Advisory%20Committee%20(TAC,of%20technology%20in%20the%20markets.*

After the meeting, a transcript of the meeting will be published through a link on the CFTC's website, *http://www.cftc.gov.* Persons requiring special accommodations to attend the meeting because of a disability should notify the contact person above.

(Authority: 5 U.S.C. 1009(a)(2).)

Dated: April 12, 2024.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2024–08188 Filed 4–16–24; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF ENERGY

Appliance Standards and Rulemaking Federal Advisory Committee

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of renewal.

SUMMARY: Pursuant to the Federal Advisory Committee Act, in accordance with title 41 of the Code of Federal Regulations, and following consultation with the Committee Management Secretariat, General Services Administration, notice is hereby given that the Appliance Standards and Rulemaking Federal Advisory Committee's (ASRAC) charter is being renewed for a two-year period.

FOR FURTHER INFORMATION CONTACT: Lucas Adin, ASRAC Designated Federal Officer at (202) 287–1692, or by email at *asrac@ee.doe.gov.*

SUPPLEMENTARY INFORMATION: The Committee will provide advice and recommendations to the Secretary of Energy on matters concerning the DOE's Appliances and Commercial Equipment Standards Program's (Program) test procedures and rulemaking process. Additionally, the renewal of the ASRAC has been determined to be essential to conduct business of the Department of Energy's and to be the in the public interest in connection with the performance of duties imposed upon the Department of Energy, by law and agreement. The Committee will continue to operate in accordance with the provisions of the Federal Advisory Committee Act, the rules and regulations in implementation of that Act.

Signing Authority

This document of the Department of Energy was signed on April 12, 2024, by David Borak, Deputy Committee Management Officer, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on April 12, 2024.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2024–08216 Filed 4–16–24; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following Complaints and Compliance filings in EL Dockets:

Docket Numbers: EL24–100–000;QF24–465–001.

Applicants: State of Montana, Department of Natural Resources and Conservation, State of Montana, Department of Natural Resources and Conservation.

Description: Petition for Declaratory Order of State of Montana, Department of Natural Resources and Conservation.

Filed Date: 4/5/24.

Accession Number: 20240405–5273.

Comment Date: 5 p.m. ET 5/6/24.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER24–1726–000.

Applicants: El Rio Sol Transmission, LLC.

Description: Application to Sell Transmission Service Rights at Negotiated Rates by El Rio Sol Transmission, LLC.

Filed Date: 4/4/24.

Accession Number: 20240404–5184.

Comment Date: 5 p.m. ET 4/25/24.

Docket Numbers: ER24–1727–000.

Applicants: PacifiCorp.

Description: 205(d) Rate Filing: Surplus Large Gen Interconnect Agrmt (Escalante I—SA No. 1106) to be effective 4/12/2024.

Filed Date: 4/11/24.

Accession Number: 20240411–5025.

Comment Date: 5 p.m. ET 5/2/24.

Docket Numbers: ER24–1728–000.

Applicants: PacifiCorp.

Description: 205(d) Rate Filing: Surplus Large Gen Interconnection Agrmt (Escalante II—SA No. 1107) to be effective 4/12/2024.

Filed Date: 4/11/24.

Accession Number: 20240411–5026.

Comment Date: 5 p.m. ET 5/2/24.

Docket Numbers: ER24–1729–000.

Applicants: Upper Missouri G. & T. Electric Cooperative, Inc.

Description: 205(d) Rate Filing: UMPC Formula Rate Change Filing to be effective 6/1/2024.

Filed Date: 4/11/24.

Accession Number: 20240411–5032.

Comment Date: 5 p.m. ET 5/2/24.

Docket Numbers: ER24–1730–000.

Applicants: Midcontinent Independent System Operator, Inc., Ameren Services Company.

Description: 205(d) Rate Filing: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii: 2024–04–11_SA 4274 ATXI–UEC–MEC TIA to be effective 4/12/2024.

Filed Date: 4/11/24.

Accession Number: 20240411–5121.

Comment Date: 5 p.m. ET 5/2/24.

Docket Numbers: ER24–1731–000.

Applicants: Duke Energy Carolinas, LLC, Duke Energy Florida, LLC.
Description: 205(d) Rate Filing: Duke Energy Carolinas, LLC submits tariff filing per 35.13(a)(2)(iii: DEF- Annual Update of Real Power Loss Factors to be effective 5/1/2024.
Filed Date: 4/11/24.
Accession Number: 20240411–5126.
Comment Date: 5 p.m. ET 5/2/24.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES24–30–000.
Applicants: Xcel Energy Southwest Transmission Company, LLC.
Description: Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities of Xcel Energy Southwest Transmission Company, LLC.
Filed Date: 4/11/24.
Accession Number: 20240411–5127.
Comment Date: 5 p.m. ET 5/2/24.

Docket Numbers: ES24–31–000.
Applicants: Xcel Energy Transmission Development Company, LLC.
Description: Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities of Xcel Energy Transmission Development Company, LLC.
Filed Date: 4/11/24.
Accession Number: 20240411–5129.
Comment Date: 5 p.m. ET 5/2/24.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF24–472–000.
Applicants: The Durst Organization.
Description: Form 556 of The Durst Organization.
Filed Date: 4/10/24.
Accession Number: 20240410–5180.
Comment Date: 5 p.m. ET 5/1/24.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

Dated: April 11, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–08207 Filed 4–16–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: PR24–64–000.
Applicants: Arcadia Gas Storage, LLC.
Description: 284.123 Rate Filing: MBR Authority Info Notice, Compliance Dkt. No.PR24–41–000 to be effective N/A.
Filed Date: 4/11/24.
Accession Number: 20240411–5056.
Comment Date: 5 p.m. ET 5/2/24.

Docket Numbers: RP24–661–000.
Applicants: Stingray Pipeline Company, L.L.C.
Description: 4(d) Rate Filing: Updates Related to Quality of Gas to be effective 5/11/2024.
Filed Date: 4/11/24.
Accession Number: 20240411–5030.
Comment Date: 5 p.m. ET 4/23/24.

Docket Numbers: RP24–662–000.
Applicants: Empire Pipeline, Inc.
Description: 4(d) Rate Filing: Update to Applicable Rates (Empire) to be effective 4/1/2024.
Filed Date: 4/11/24.
Accession Number: 20240411–5039.
Comment Date: 5 p.m. ET 4/23/24.

Docket Numbers: RP24–663–000.
Applicants: Monroe Gas Storage Company, LLC.
Description: Compliance filing: MBR Authority Info Notice, Compliance Dkt. No.RP24–318–000 to be effective N/A.
Filed Date: 4/11/24.
Accession Number: 20240411–5059.
Comment Date: 5 p.m. ET 4/23/24.

Docket Numbers: RP24–664–000.
Applicants: Perryville Gas Storage LLC.
Description: Compliance filing: MBR Authority Info Notice, Compliance Dkt. No.RP24–321–000 to be effective N/A.
Filed Date: 4/11/24.
Accession Number: 20240411–5060.
Comment Date: 5 p.m. ET 4/23/24.

Docket Numbers: RP24–665–000.
Applicants: SG Resources Mississippi, L.L.C.
Description: Compliance filing: MBR Authority Info Notice, Compliance Dkt. No.RP24–323–000 to be effective N/A.
Filed Date: 4/11/24.
Accession Number: 20240411–5063.
Comment Date: 5 p.m. ET 4/23/24.

Docket Numbers: RP24–666–000.
Applicants: Cadeville Gas Storage LLC.
Description: Compliance filing: MBR Authority Info Notice, Compliance Dkt. No.RP24–324–000 to be effective N/A.
Filed Date: 4/11/24.
Accession Number: 20240411–5065.
Comment Date: 5 p.m. ET 4/23/24.

Docket Numbers: RP24–667–000.
Applicants: Pine Prairie Energy Center, LLC.
Description: Compliance filing: MBR Authority Info Notice, Compliance Dkt. No.RP24–322–000 to be effective N/A.
Filed Date: 4/11/24.
Accession Number: 20240411–5069.
Comment Date: 5 p.m. ET 4/23/24.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice

communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

Dated: April 11, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–08206 Filed 4–16–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2853–073]

Montana Department of Natural Resources and Conservation; Notice of Revised Procedural Schedule for Draft and Final Environmental Assessment for the Proposed Project Relicense

On June 30, 2022, the Montana Department of Natural Resources and Conservation (Montana DNRC) filed an application for a new major license for the 9.66-megawatt Broadwater Hydroelectric Project (Broadwater Project; FERC No. 2853). On September 20, 2023, Commission staff issued a notice of intent to prepare a draft and final Environmental Assessment (EA) to evaluate the effects of relicensing the Broadwater Project. The notice of intent included an anticipated schedule for issuing the draft and final EA. By this notice, Commission staff is updating the procedural schedule for completing the draft and final EAs. The revised schedule is shown below. Further revisions to the schedule may be made as appropriate.

Milestone	Target date
Commission issues draft EA.	May 2024.
Comments on draft EA.	June 2024.
Commission issues final EA.	August 2024.[1]

Any questions regarding this notice may be directed to Ingrid Brofman at (202) 502–8347, or *Ingrid.brofman@ferc.gov.*

[1] The Council on Environmental Quality's (CEQ) regulations under 40 CFR 1501.10(b)(1) (2022) require that EAs be completed within 1 year of the federal action agency's decision to prepare an EA. *See* National Environmental Policy Act, 42 U.S.C. 4321 *et seq., as amended by* section 107(g)(1)(B)(iii) of the Fiscal Responsibility Act of 2023, Public Law 118–5, 4336a, 137 Stat. 42.

Dated: April 11, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–08202 Filed 4–16–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP24–122–000]

Energy Transfer LP; Notice of Petition for Order To Show Cause

Take notice that on April 8, 2024, pursuant to Rule 207(a)(5) of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207 (2023), Energy Transfer LP filed a petition requesting that the Commission issue an order to The Williams Companies, Inc. to show cause why the construction of certain pipeline facilities in Texas and Louisiana is not subject to the Commission's jurisdiction under the Natural Gas Act. Energy Transfer LP also requests that the Commission clarify its test for determining whether facilities are non-jurisdictional gathering facilities under the Natural Gas Act, as more fully explained in the Petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission strongly encourages electronic submission of comments, protests, and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any submission should include docket number P–553–245.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (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.*

Comment Date: 5:00 p.m. Eastern Time on May 13, 2024.

Dated: April 11, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–08204 Filed 4–16–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP24–118–000]

WBI Energy Transmission, Inc.; Notice of Request under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on April 4, 2024, WBI Energy Transmission, Inc. (WBI Energy), 1250 West Century Avenue, Bismarck, North Dakota 58503, filed in the above referenced docket, a prior notice request pursuant to sections

157.205 and 157.216(b) of the Commission's regulations under the Natural Gas Act (NGA) and WBI Energy's blanket certificate issued in Docket No. CP82–487–000 for authorization to abandon six natural gas storage wells, approximately 2.67 miles of associated three- and four-inch-diameter natural gas storage pipelines, and four aboveground measurement facilities located in its Baker Storage Field in Fallon County, Montana. The estimated cost for the project is approximately $ 605,675, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. Public access to records formerly available in the Commission's physical Public Reference Room, which was located at the Commission's headquarters, 888 First Street NE, Washington, DC 20426, are now available via the Commission's website. For assistance, contact the Federal Energy Regulatory Commission at *FercOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY (202) 502–8659.

Any questions concerning this request should be directed to Lori Myerchin, Director, Regulatory Affairs and Transportation Services, WBI Energy Transmission, Inc., 1250 West Century Avenue, Bismarck, North Dakota 58503, by phone at (701) 530–1563, or by email at *lori.myerchin@wbienergy.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 June 11, 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,[1] any person[2] 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,[3] and must be submitted by the protest deadline, which is June 11, 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[4] and the regulations under the NGA[5] by the intervention deadline for the project, which is June 11, 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 June 11, 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 CP24–118–000 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[6]

(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 CP24–118–000.

[1] 18 CFR 157.205.

[2] Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

[3] 18 CFR 157.205(e).

[4] 18 CFR 385.214.

[5] 18 CFR 157.10.

[6] 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.

To file via USPS: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other method: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Protests and motions to intervene must be served on the applicant either by mail or email (with a link to the document) at: Lori Myerchin, Director, Regulatory Affairs and Transportation Services, WBI Energy Transmission, Inc., 1250 West Century Avenue, Bismarck, North Dakota 58503 or at *lori.myerchin@wbienergy.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: April 11, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–08205 Filed 4–16–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3074–012]

City of Spokane; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Application for Temporary Variance of Reservoir Elevation Requirements.

b. *Project No:* 3074–012.

c. *Date Filed:* February 1, 2024, as supplemented on April 10, 2024.

d. *Applicant:* City of Spokane (licensee).

e. *Name of Project:* Upriver Hydroelectric Project.

f. *Location:* The project is located on the Spokane River in Spokane County, Washington. The project does not occupy Federal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Seth McIntosh, Water System & Hydroelectric Plant Manager; City of Spokane; 2701 N Waterworks Street, Spokane, WA 99212; (509) 742–8154; *smcintosh@spokanecity.org.*

i. *FERC Contact:* Chris Chaney, (202) 502–6778, *christopher.chaney@ferc.gov*

j. *Cooperating agencies:* With this notice, the Commission is inviting Federal, State, local, and Tribal agencies with jurisdiction and/or special expertise with respect to environmental issues affected by the proposal, that wish to cooperate in the preparation of any environmental document, if applicable, to follow the instructions for filing such requests described in item k below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of any environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

k. *Deadline for filing comments, motions to intervene, and protests:* May 13, 2024.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* 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, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. The first page of any filing should include the docket number P–3074–012. Comments emailed to Commission staff are not considered part of the Commission record.

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 whose name appears 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.

l. *Description of Request:* The licensee requests a temporary variance from the project's normal reservoir operating level to complete several dam safety related repairs. The licensee proposes a drawdown of two feet from the normal reservoir operating level to mitigate risk and allow access to repair areas. The licensee requests that the variance begin on May 6, 2024, although the actual start date is contingent upon inflows to the project. The licensee tentatively expects the work to take 20 weeks to complete. Therefore, the variance would tentatively conclude on September 19, 2024, or two days after the repair work is completed, whichever occurs later.

m. *Locations of the Application:* This filing may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. Agencies may obtain copies of the application directly from the applicant.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

o. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

p. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

q. 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: April 11, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–08201 Filed 4–16–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1951–190]

Georgia Power Company; Notice of Application To Amend Shoreline Best Management Practices under Article 409 Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-capacity Amendment of License.

b. *Project No:* 1951–190.

c. *Date Filed:* February 15, 2024.

d. *Applicant:* Georgia Power Company.

e. *Name of Project:* Sinclair Hydroelectric Project.

f. *Location:* The project is located on the Oconee River in Putnam and Baldwin counties, Georgia. The project occupies federal lands managed by the U.S. Forest Service.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Joseph Charles, Hydro Compliance Coordinator, 241 Ralph McGill Boulevard, NE, BIN 10151, Atlanta, GA 30308, 404–506–2337, *jcharles@southerco.com.*

i. *FERC Contact:* Mary Karwoski, (678) 245–3027, *mary.karwoski@ferc.gov.*

j. Cooperating agencies: With this notice, the Commission is inviting Federal, State, local, and Tribal agencies with jurisdiction and/or special expertise with respect to environmental issues affected by the proposal, that wish to cooperate in the preparation of any environmental document, if applicable, to follow the instructions for filing such requests described in item 1 below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of any environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

k. Deadline for filing comments, motions to intervene, and protests: May 13, 2024.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* 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, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include the docket number P–1951–190. Comments emailed to Commission staff are not considered part of the Commission record.

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 whose name appears 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.

l. *Description of Request:* The licensee is proposing to amend its Shoreline Best Management Practices required by Article 409 of the license to reduce the 75-foot construction setback on lands controlled by the licensee to 50-feet or the minimum required county governing authority setback requirements, whichever is greater.

m. *Locations of the Application:* This filing may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. Agencies may obtain copies of the application directly from the applicant.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

o. Comments, Protests, or Motions to Intervene: Anyone may submit comments, a protest, or a motion to

intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

p. Filing and Service of Documents: Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

q. 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: April 11, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–08203 Filed 4–16–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 5596–020]

Town of Bedford, Virginia; Notice of Revised Procedural Schedule for Environmental Assessment for the Proposed Project Relicense

On April 30, 2021, the Town of Bedford, Virginia filed an application for a new major license for the 5.0-megawatt Bedford Hydroelectric Project No. 5596 (Bedford Project or project). On August 17, 2023, Commission staff issued a notice of intent to prepare an Environmental Assessment (EA) to evaluate the effects of relicensing the Bedford Project. The notice of intent included a schedule for preparing a single EA.

By this notice, Commission staff is updating the procedural schedule for completing the EA. The revised schedule is shown below. Further revisions to the schedule may be made as appropriate.

Milestone	Target date
Issue EA	July 2024.[1]

Any questions regarding this notice may be directed to Andy Bernick at (202) 502–8660 or *andrew.bernick@ferc.gov.*

Dated: April 11, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–08200 Filed 4–16–24; 8:45 am]

BILLING CODE 6717–01–P

[1] The Council on Environmental Quality's (CEQ) regulations under 40 CFR 1501.10(b)(1) (2022) require that EAs be completed within 1 year of the federal action agency's decision to prepare an EA. See National Environmental Policy Act, 42 U.S.C. 4321 *et seq.,* as amended by section 107(g)(1)(B)(iii) of the Fiscal Responsibility Act of 2023, Public Law 118–5, 4336a, 137 Stat. 42.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 7189–015]

Green Lake Water Power Company; Notice of Revised Procedural Schedule for Environmental Assessment for the Proposed Project Relicense

On March 31, 2022, Green Lake Water Power Company filed an application for a subsequent license to continue to operate and maintain the 425-kilowatt Green Lake Hydroelectric Project No. 7189 (Green Lake Project). On May 31, 2023, Commission staff issued a notice of intent to prepare an environmental assessment (EA) to evaluate the effects of relicensing the Green Lake Project. The notice included an anticipated schedule for issuing the EA.

By this notice, Commission staff is updating the procedural schedule for completing the EA. The revised schedule is shown below. Further revisions to the schedule may be made as appropriate.

Milestone	Target date
Issue EA	May 2024.[1]

Any questions regarding this notice may be directed to Amanda Gill at (202) 502–6773, or by email at *amanda.gill@ferc.gov.*

Dated: April 11, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–08199 Filed 4–16–24; 8:45 am]

BILLING CODE 6717–01–P

[1] The Council on Environmental Quality's (CEQ) regulations under 40 CFR 1501.10(b)(1) (2022) require that EAs be completed within 1 year of the federal action agency's decision to prepare an EA. *See* National Environmental Policy Act, 42 U.S.C. 4321 *et seq., as amended by* section 107(g)(1)(B)(iii) of the Fiscal Responsibility Act of 2023, Public Law 118–5, 4336a, 137 Stat. 42.

FEDERAL ACCOUNTING STANDARDS ADVISORY BOARD

Notice of Issuance of Statement of Federal Financial Accounting Standards 63, Omnibus Amendments 2024–1: Amending SFFAS 38, 49, and Technical Bulletin 2011–1

AGENCY: Federal Accounting Standards Advisory Board.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Federal Accounting Standards Advisory Board has issued Statement of Federal Financial Accounting Standards (SFFAS) 63 titled *Omnibus Amendments 2024–1: Amending SFFAS 38, 49, and Technical Bulletin 2011–1.*

ADDRESSES: SFFAS 63 is available on the FASAB website at http://www.fasab.gov/accounting-standards/. Copies can be obtained by contacting FASAB at (202) 512–7350.

FOR FURTHER INFORMATION CONTACT: Ms. Monica R. Valentine, Executive Director, 441 G Street NW, Suite 1155, Washington, DC 20548, or call (202) 512–7350.

Authority: 31 U.S.C. 3511(d); Federal Advisory Committee Act, 5 U.S.C. 1001–1014.

Dated: April 12, 2024.

Monica R. Valentine,

Executive Director.

[FR Doc. 2024–08193 Filed 4–16–24; 8:45 am]

BILLING CODE 1610–02–P

FEDERAL ACCOUNTING STANDARDS ADVISORY BOARD

Notice of December 2024 FASAB Meeting

AGENCY: Federal Accounting Standards Advisory Board.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Federal Accounting Standards Advisory Board (FASAB) has changed the date of its December 2024 meeting.

DATES: The December 2024 meeting is no longer scheduled for December 17–18, 2024. The new date is December 10–11, 2024.

ADDRESSES: Agendas, briefing materials, and virtual meeting information will be available at *https://www.fasab.gov/briefing-materials/* approximately one week before the meeting.

Any interested person may attend the meeting as an observer. The meeting will be virtual. Board discussion and reviews are open to the public.

FOR FURTHER INFORMATION CONTACT: Ms. Monica R. Valentine, Executive Director, 441 G Street NW, Suite 1155, Washington, DC 20548, or call (202) 512–7350.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to discuss issues related to the following topics:

Accounting and Reporting of Government Land
Climate-Related Financial Reporting
Commitments
Intangible Assets
Leases
Omnibus Amendments
Public-Private Partnerships
Reexamination of Existing Standards
Omnibus Concepts Amendments
Management's Discussion and Analysis
Software Technology
Seized and Forfeited Digital Assets
Appointments Panel
Any other topics as needed

Notice is hereby given that a portion of this scheduled meeting may be closed to the public. The Appointments Panel, a chartered subcommittee of FASAB that makes recommendations regarding appointments for non-federal member positions, is expected to meet during the meeting. A portion of each Appointments Panel meeting will be closed to the public. The reason for the closure is that matters covered by 5 U.S.C. 552b(c)(2) and (6) will be discussed. Any such discussions will involve matters that relate solely to internal personnel rules and practices of the sponsor agencies and the disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. Such discussions will be segregated into separate discussions so that a portion of each meeting will be open to the public.

Pursuant to section 10(d) of the Federal Advisory Committee Act (FACA), 5 U.S.C. 1009(d), portions of advisory committee meetings may be closed to the public where the head of the agency to which the advisory committee reports determines that such portion of such meeting may be closed to the public in accordance with subsection (c) of section 552b of title 5, United States Code. The determination shall be in writing and shall contain the reasons for the determination. A determination has been made in writing by the U.S. Government Accountability Office, the U.S. Department of the Treasury, and the Office of Management and Budget, as required by section 10(d) of FACA, that such portions of the meetings may be closed to the public in accordance with subsection (c) of section 552b of title 5, United States Code.

Unless otherwise noted, the meeting will begin at 9:00 a.m. and conclude before 5 p.m.

Authority: 31 U.S.C. 3511(d); Federal Advisory Committee Act, 5 U.S.C. 1001–1014.

Dated: April 12, 2024.

Monica R. Valentine,

Executive Director.

[FR Doc. 2024–08194 Filed 4–16–24; 8:45 am]

BILLING CODE 1610–02–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments, relevant information, or documents regarding the agreements to the Secretary by email at *Secretary@fmc.gov,* or by mail, Federal Maritime Commission, 800 North Capitol Street, Washington, DC 20573. Comments will be most helpful to the Commission if received within 12 days of the date this notice appears in the **Federal Register**, and the Commission requests that comments be submitted within 7 days on agreements that request expedited review. Copies of agreements are available through the Commission's website (*www.fmc.gov*) or by contacting the Office of Agreements at (202)–523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 201406–001.

Agreement Name: HMM HLC PSX Space Charter Agreement.

Parties: Hapag Lloyd AG; HYUNDAI MERCHANT MARINE CO., LTD.

Filing Party: Joshua Stein; Cozen O'Connor.

Synopsis: The amendment extends the effectiveness of the Agreement through January 31, 2025.

Proposed Effective Date: 04/09/2024.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/83505.

Agreement No.: 201423.

Agreement Name: ONE to HMM AP1 Space Charter Agreement.

Parties: HYUNDAI MERCHANT MARINE CO., LTD.; Ocean Network Express Pte. Ltd.

Filing Party: Joshua Stein; Cozen O'Connor.

Synopsis: The Agreement authorizes ONE to charter space to HMM on its services in the trade between ports in China, Taiwan, and Vietnam on the one hand and ports on the U.S. West Coast on the other hand.

Proposed Effective Date: 04/09/2024.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/86558.

Dated: April 12, 2024.

Carl Savoy,

Federal Register Alternate Liaison Officer.

[FR Doc. 2024–08161 Filed 4–16–24; 8:45 am]

BILLING CODE 6730–02–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at

the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than May 2, 2024.

A. Federal Reserve Bank of Kansas City (Jeffrey Imgarten, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri, 64198–0001. Comments can also be sent electronically to *KCApplicationComments@kc.frb.org:*

1. *Certain minor children of Jennifer L. Gotch Smith, all of Elk Point, South Dakota; and certain minor children of Brett J. Gotch, all of South Sioux City, Nebraska;* to join the Gotch Family Control Group, a group acting in concert, to retain voting shares of Siouxland National Corporation, and thereby indirectly retain voting shares of Siouxland Bank, both of South Sioux City, Nebraska.

2. *Robert Brandt and Barry Brandt, Unadilla, Nebraska; and the John D. Weber and Jane E. Weber Trust Agreement November 12, 2015, John Weber and Jane Weber, as co-trustees, all of Mesa, Arizona;* to join the Brandt Family Group, a group acting in concert, to retain voting shares of UB, Inc., and thereby indirectly retain voting shares of Countryside Bank, both of Unadilla, Nebraska. Jane Weber was previously permitted by the Federal Reserve System to acquire control of voting shares of UB, Inc.

Board of Governors of the Federal Reserve System.

Erin Cayce,

Assistant Secretary of the Board.

[FR Doc. 2024–08213 Filed 4–16–24; 8:45 am]

BILLING CODE P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Notice of Board Meeting

DATES: April 23, 2024 at 10:00 a.m. EDT.

ADDRESSES: Telephonic. Dial-in (listen only) information: Number: 1–202–599–1426, Code: 624 061 844#; or via web: *https://teams.microsoft.com/l/meetup-join/19%3ameeting_MmRmZjZhNTAtNGRjNi00ZWM5LTlmZjEtNTIxOGIxZTAxYTZj%40thread.v2/0?context=%7b%22Tid%22%3a%223f6323b7-e3fd-4f35-b43d-1a7afae5910d%22%2c%22Oid%22%3a%221a441fb8-5318-4ad0-995b-f28a737f4128%22%7d*

FOR FURTHER INFORMATION CONTACT: Kimberly Weaver, Director, Office of External Affairs, (202) 942–1640.

SUPPLEMENTARY INFORMATION:

Board Meeting Agenda

Open Session

1. Approval of the March 26, 2024, Board Meeting Minutes
2. Investment Manager Annual Service Review
3. Monthly Reports
   (a) Participant Report
   (b) Legislative Report
4. Quarterly Reports
   (c) Investment Review
   (d) Budget Review
   (e) Audit Status
5. Internal Audit Update
6. OCFO Annual Presentation

Closed Session

7. Information covered under 5 U.S.C. 552b (c)(9)(B) and (c)(10).

Authority: 5 U.S.C. 552b (e)(1).

Dated: April 12, 2024.

Dharmesh Vashee,

General Counsel, Federal Retirement Thrift Investment Board.

[FR Doc. 2024–08158 Filed 4–16–24; 8:45 am]

BILLING CODE P

GENERAL SERVICES ADMINISTRATION

[Notice–Q–2024–03; Docket No. 2024–0002; Sequence No. 17]

Federal Secure Cloud Advisory Committee Notification of Upcoming Meeting

AGENCY: Federal Acquisition Service (Q), General Services Administration (GSA).

ACTION: Meeting notice.

SUMMARY: As stipulated by the Federal Advisory Committee Act (FACA), as amended, GSA is hereby giving notice of an open public meeting of the Federal Secure Cloud Advisory Committee (FSCAC). Information on attending and providing public comment is under the **SUPPLEMENTARY INFORMATION** section.

DATES: The open public meeting will be held on Monday, May 20, 2024, from 11 a.m. to 3 p.m., Eastern Standard Time (EST). The agenda for the meeting will be made available prior to the meeting online at *https://gsa.gov/fscac.*

ADDRESSES: The meeting will be held in person at 1800 F St. NW, Room 1425, Washington, DC 20270. The meeting will also be accessible via live stream. Registrants will receive the live stream information before the meeting.

FOR FURTHER INFORMATION CONTACT: Michelle White, Designated Federal Officer (DFO), FSCAC, GSA, 703–489–4160, *fscac@gsa.gov.* Additional information about the Committee, including meeting materials and agendas, will be available online at *https://gsa.gov/fscac.*

SUPPLEMENTARY INFORMATION:

Background

GSA, in compliance with the FedRAMP Authorization Act of 2022 (the Act), established the FSCAC, a statutory advisory committee in accordance with the provisions of FACA, as amended (5 U.S.C. 10). The Federal Risk and Authorization Management Program (FedRAMP) within GSA is responsible for providing a standardized, reusable approach to security assessment and authorization for cloud computing products and services that process unclassified information used by agencies. The FSCAC will provide advice and recommendations to the Administrator of GSA, the FedRAMP Board, and agencies on technical, financial, programmatic, and operational matters regarding the secure adoption of cloud computing products and services. The FSCAC will ensure effective and ongoing coordination of agency adoption, use, authorization, monitoring, acquisition, and security of cloud computing products and services to enable agency mission and administrative priorities. The purposes of the Committee are:

- To examine the operations of FedRAMP and determine ways that authorization processes can continuously be improved, including the following:
  - Measures to increase agency reuse of FedRAMP authorizations.
  - Proposed actions that can be adopted to reduce the burden, confusion, and cost associated with

FedRAMP authorizations for cloud service providers.

◦ Measures to increase the number of FedRAMP authorizations for cloud computing products and services offered by small businesses concerns (as defined by section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

◦ Proposed actions that can be adopted to reduce the burden and cost of FedRAMP authorizations for agencies.

• Collect information and feedback on agency compliance with, and implementation of, FedRAMP requirements.

• Serve as a forum that facilitates communication and collaboration among the FedRAMP stakeholder community.

The FSCAC will meet no fewer than three (3) times a calendar year. Meetings shall occur as frequently as needed, called, and approved by the DFO.

Purpose of the Meeting and Agenda

The May 20, 2024 public meeting will be dedicated to reviewing the Committee's annual report, required under § 3616(h)(2) of the Act, as well as continued deliberations in order to determine the Committee's next priorities. FedRAMP staff may be in attendance to respond to Committee questions as needed and called upon. A vote will be held to approve the Committee's annual report to Congress, and a vote will be held to approve the priority or priorities the Committee chooses to work on next. The meeting agenda will be posted on *https://gsa.gov/fscac* prior to the May 20, 2024 meeting.

Meeting Attendance

This meeting is open to the public and can be attended in-person or virtually using the live stream link. Meeting registration and information is available at *https://gsa.gov/fscac.* Registration for attending the meeting in person is highly encouraged by 5 p.m. EST on Monday, May 13, 2024 for easier building access. In-person public attendance is limited to the available space, and seating is available on a first come, first serve basis.

If you plan to attend virtually, you will need to register by 5 p.m. EST on Wednesday, May 15, 2024 to obtain the virtual meeting information. After registration, individuals will receive meeting attendance information via email.

For information on services for individuals with disabilities, or to request accommodation for a disability, please email the FSCAC staff at *FSCAC@gsa.gov* at least 10 days prior to the meeting. Live captioning may be provided virtually, and ASL interpreters may be present onsite.

Public Comment

Members of the public attending in person or virtually will have the opportunity to provide oral public comment during the FSCAC meeting by indicating their preference when registering. Written public comments can be submitted at any time by completing the public comment form on our website, *https://gsa.gov/fscac.* All written public comments will be provided to FSCAC members in advance of the meeting if received by Friday, May 10, 2024.

Margaret Dugan,

Service-Level Liaison, Federal Acquisition Service, General Services Administration.

[FR Doc. 2024–08086 Filed 4–16–24; 8:45 am]

BILLING CODE 6820–34–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—GH21–001, Conducting Public Health Research in Thailand: Technical collaboration With the Ministry of Public Health (MOPH) in the Kingdom of Thailand; GH21–003, Advancing Public Health Research in Kenya; GH23–003, Conducting Public Health Research With Universities in Thailand; and GH24–033, Advancing Public Health Research in Bangladesh; Amended Notice of Closed Meeting

AGENCY: Centers for Disease Control and Prevention, Department of Health and Human Services.

ACTION: Notice.

FOR FURTHER INFORMATION CONTACT: Hylan Shoob, Ph.D., Scientific Review Officer, Global Health Center, Centers for Disease Control and Prevention, 1600 Clifton Road NE, Mailstop H21–9, Atlanta, Georgia 30329–4027. Telephone: (404) 639–4796; Email: *HShoob@cdc.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given of a change in the meeting of the Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—GH21–001, Conducting Public Health Research in Thailand: Technical collaboration with the Ministry of Public Health (MOPH) in the Kingdom of Thailand; GH21–003, Advancing Public Health Research in Kenya; GH23–003, Conducting Public Health Research with Universities in Thailand; and GH24–033, Advancing Public Health Research in Bangladesh; April 10, 2024, 9 a.m.–2 p.m., EDT, teleconference, in the original **Federal Register** notice. The meeting notice was published in the **Federal Register** on February 13, 2024, 89 FR 10079–10080.

This meeting notice is being amended to remove one Notice of Funding Opportunity number and should read as follows:

Name of Committee: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—GH21–001, Conducting Public Health Research in Thailand: Technical collaboration with the Ministry of Public Health (MOPH) in the Kingdom of Thailand; GH21–003, Advancing Public Health Research in Kenya; and GH24–033, Advancing Public Health Research in Bangladesh.

The meeting was closed to the public.

The Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2024–08187 Filed 4–16–24; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–2540–23]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), Federal agencies are required to publish notice in the **Federal Register**

concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by May 17, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.*

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Reinstatement with change of a previously approved collection; *Title of Information Collection:* Skilled Nursing Facility and Skilled Nursing Facility Complex Cost Report; *Use:* The primary function of the cost report is to implement the principles of cost reimbursement that require that SNFs maintain sufficient financial records and statistical data for proper determination of costs payable under the program. Specifically, CMS–2540–23 collects discrete data, previously reported in summary form, used in determining the cost weights for the SNF market basket and for payment adequacy analyses. SNFs and SNF health care complexes participating in the Medicare program submit these cost reports annually to report cost and statistical data used by CMS to determine reasonable costs. Essentially the methods of determining costs payable under Medicare involve making use of data available from the provider's accounting records, as usually maintained, to arrive at equitable and proper payment for services to beneficiaries. *Form Number:* CMS–2540–23 (OMB control number: 0938–0463); *Frequency:* Annually; *Affected Public:* Private Sector—Business or other for-profits, Not-for-profit institutions; *Number of Respondents:* 14,189; *Total Annual Responses:* 14,189; *Total Annual Hours:* 2,866,178. (For policy questions regarding this collection contact Luann Piccione at 410–786–5423.)

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2024–08164 Filed 4–16–24; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging, Initial Review Group, Career Development Facilitating the Transition to Independence Study Section.

Date: June 13–14, 2024.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Joshua Park, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, 7201 Wisconsin Avenue, Gateway Bldg., Suite 2W200, Bethesda, MD 20892, (301) 496–6208, *joshua.park4@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: April 11, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–08122 Filed 4–16–24; 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 contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, 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; Humoral Immunology Core Laboratory for AIDS Vaccine Research and Development (N01).

Date: May 9, 2024.

Time: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institute of Allergy and Infectious Diseases.

National Institutes of Health 5601 Fishers Lane, Room 3E71, Rockville, MD 20852, (Video Assisted Meeting).

Contact Person: Lee G. Klinkenberg, 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 3E71, Rockville, MD 20852, 301–761–7749, *lee.klinkenberg@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: April 12, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–08178 Filed 4–16–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Investigator Initiated Program Project Applications (P01 Clinical Trial Not Allowed).

Date: June 4, 2024.

Time: 1:30 p.m. to 4:30 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 3G56, Rockville, MD 20852 (Video Assisted Meeting).

Contact Person: Maryam Rohani, 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 3G56, Rockville, MD 20852, (301) 761–6656, *maryam.rohani@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: April 12, 2024.

Lauren A. Fleck,

Program Analyst,Office of Federal Advisory Committee Policy.

[FR Doc. 2024–08184 Filed 4–16–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Geroscience-Based Chronic Wound Treatment.

Date: May 23, 2024.

Time: 12:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Birgit Neuhuber, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, 6001 Executive Blvd., Suite 3208, Gateway Bldg. Suite 3208, Bethesda, MD 20892, 301–496–3562, *neuhuber@ninds.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: April 11, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–08110 Filed 4–16–24; 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 a meeting of the Division of Intramural Research Board of Scientific Counselors, NIAID.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Allergy and Infectious Diseases, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Division of Intramural Research Board of Scientific Counselors, NIAID.

Date: June 10–12, 2024.

Time: 7:30 a.m. to 10:45 a.m.

Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, Building 50, Conference Room 1227/1233, 50 Center Drive, Bethesda, MD 20892.

Contact Person: Laurie Lewallen, Division of Intramural Research Program Support Staff, National Institute of Allergy and Infectious Diseases, National Institutes of Health, Building 33, Room 1N24, 33 North Drive, Bethesda, MD 20892, 301–761–6362 *Laurie.Lewallen@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: April 11, 2024

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–08112 Filed 4–16–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as

amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; NIH Research Enhancement Award (R15) in Oncological Sciences.

Date: May 22, 2024.

Time: 9:00 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: Byung Min Chung, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 496–4056, *justin.chung@nih.gov*.

Name of Committee: Interdisciplinary Molecular Sciences and Training Integrated Review Group Emerging Imaging Technologies in Neuroscience Study Section.

Date: May 30–31, 2024.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Rachel A. Kane, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Bethesda, MD 20892, (301) 496–0221, *kanera@csr.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: April 11, 2024.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–08111 Filed 4–16–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2024–0236]

Cooperative Research and Development Agreement: pLEO Satellite Systems for at Sea Global Coverage Including High Latitudes

AGENCY: Coast Guard, DHS.

ACTION: Notice of intent; request for comments.

SUMMARY: The Coast Guard is announcing its intent to enter into a Cooperative Research and Development Agreement (CRADA) with Hughes Network Systems to build a Proof of Concept (POC) to understand the capabilities, benefits, risks, technical limitations, and performance associated with operating a proliferated low earth orbiting (pLEO) satellite system on Coast Guard ships at sea. The pLEO satellite system provides global broadband coverage, to include the extreme northern and southern latitudes, which have traditionally been limited to geostationary satellites. While the Coast Guard is currently considering partnering with Hughes Network Systems, we are soliciting public comment on the possible nature of and participation of other parties in the proposed CRADA. In addition, the Coast Guard also invites other potential non-Federal participants, who have the interest and capability to bring similar contributions to this type of research, to consider submitting proposals for consideration in similar CRADAs.

DATES: Comments must be submitted to the online docket via *http://www.regulations.gov* on or before May 17, 2024.

Synopses of proposals regarding future CRADAs must reach the Coast Guard (see **FOR FURTHER INFORMATION CONTACT**) on or before May 17, 2024.

ADDRESSES: Submit comments online at *http://www.regulations.gov* by searching the docket number USCG–2024–0236 and following website instructions.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice or wish to submit proposals for future CRADAs, contact Jon Turban, P.E., Project Manager, IT and Networks Branch, U.S. Coast Guard Research and Development Center, 1 Chelsea Street, New London, CT 06320, telephone 860–271–2600, email *RDC-info@uscg.mil.*

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We request public comments on this notice. Although we do not plan to respond to comments in the **Federal Register**, we will respond directly to commenters and may modify our proposal in response to received comments.

Comments should be marked with docket number USCG–2024–0236 and should provide a reason for each suggestion or recommendation. You should provide personal contact information so that we can contact you if we have questions regarding your comments; please note that all comments will be posted to the online docket without change and that any personal information you include can be searchable online (see DHS's eRulemaking System of Records notice, 85 FR 14226, March 11, 2020). We also accept anonymous comments.

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the Coast Guard (see **FOR FURTHER INFORMATION CONTACT**). Documents mentioned in this notice and all public comments are in our online docket at *http://www.regulations.gov* and can be viewed by following the website's instructions.

Discussion

CRADAs are authorized under 15 U.S.C. 3710a.[1] A CRADA promotes the transfer of technology to the private sector for commercial use, as well as specified research or development efforts that are consistent with the mission of the Federal parties to the CRADA. The Federal party or parties agree with one or more non-Federal parties to share research resources, but the Federal party does not contribute funding.

CRADAs are not procurement contracts. Care is taken to ensure that CRADAs are not used to circumvent the contracting process. CRADAs have a specific purpose and should not be confused with procurement contracts, grants, and other type of agreements.

Under the proposed CRADA, the U.S. Coast Guard Research and Development Center (R&D Center) will collaborate with one non-Federal participant. Together, the R&D Center and the non-Federal participant will build a POC to

[1] The statute confers this authority on the head of each Federal agency. The Secretary of DHS's authority is delegated to the Coast Guard and other DHS organizational elements by DHS Delegation No. 0160.1, para. II.B.34.

understand the capabilities, benefits, risks, technical limitations, and performance of operating a pLEO satellite system on Coast Guard ships at sea. The pLEO satellite system provides global broadband coverage, to include the extreme northern and southern latitudes, which have traditionally been limited to geostationary satellites.

We anticipate that the Coast Guard's contributions under the proposed CRADA will include the following:

(1) Provide staff with the expertise to support the tasks.

(2) Provide resources and travel for the Coast Guard staff that support this CRADA.

(3) Write a test plan in collaboration with the non-Federal participant.

(4) Obtain approvals for installation.

(5) Obtain authorization to connect to the network.

(6) Ship the necessary parts, tools, and equipment to the Coast Guard Cutter.

(7) Coordinate logistics with the Coast Guard Cutter for the installation of equipment onboard the ship.

(8) Coordinate operation of equipment with the Coast Guard Cutter while the ship is underway.

(9) Provide resources required to conduct underway testing on the Coast Guard Cutter

(10) Execute agreed upon test plan.

(11) Write a report in collaboration with the non-Federal participant.

We anticipate that the non-Federal participants' contributions under the proposed CRADA will include the following:

(1) Provide staff with the expertise to support the tasks.

(2) Provide resources and travel for own staff in support of this CRADA.

(3) Write a test plan in collaboration with the R&D Center.

(4) Provide non-Federal participants' shipboard equipment and airtime for the equipment.

(5) Provide the technical data for all equipment, including dimensions, weight, power requirements, and other technical considerations for non-Federal participants' components to be utilized under this CRADA.

(6) Assist with the installation of equipment on the Coast Guard Cutter

(7) Provide technical support.

(8) Provide any specific training to those Coast Guard members evaluating the technology.

(9) Provide mutually agreed upon resources required to conduct the underway testing on the Coast Guard Cutter.

(10) Write a report in collaboration with the R&D Center.

The Coast Guard reserves the right to select for CRADA participants all, some, or no proposals submitted for this CRADA. The Coast Guard will provide no funding for reimbursement of proposal development costs. Proposals and any other material submitted in response to this notice will not be returned. Proposals submitted are expected to be unclassified and have not more than five single-sided pages (excluding cover page, DD 1494, JF–12, etc.). The Coast Guard will select proposals at its sole discretion based on:

(1) How well they communicate an understanding of, and ability to meet, the proposed CRADA's goals; and

(2) How well they address the following criteria:

(a) Technical capability to support the non-Federal party contributions described, and

(b) Resources available for supporting the non-Federal party contributions described.

Currently, the Coast Guard is considering Hughes Network Systems for participation in this CRADA. This consideration is because Hughes Network Systems operates a pLEO satellite system that provides at-sea global coverage including coverage of the extreme latitudes. However, we do not wish to exclude other viable participants from this or future similar CRADAs.

This is a technology assessment effort. The goal for this CRADA is to work with an industry partner to explore alternate methods and applications for pLEO/MEO satellite communications in the maritime environment at the most extreme northern and southern latitudes. This could include:

—robust global underway network connectivity for its' ships
—a positioning, navigation and timing (PNT) source in a GPS denied environment.
—a maritime distress communication system.
—network connectivity to unmanned mobile platforms.
—tactical network connectivity for use by Coast Guard boarding teams.
—multi-orbit satellite systems.

Special consideration will be given to small business firms or consortia, and preference will be given to business units located in the U.S. This notice is issued under the authority of 5 U.S.C. 552(a).

Dated: April 12, 2024.

Bert Macesker,

Executive Director, U.S. Coast Guard Research and Development Center.

[FR Doc. 2024–08143 Filed 4–16–24; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2023–0822]

Port Access Route Study: Approaches to the Port of Cape Canaveral and Vessel Transit Offshore Jacksonville, Daytona, and Canaveral, Florida

AGENCY: Coast Guard, DHS.

ACTION: Notice of study; request for comments.

SUMMARY: The Coast Guard is conducting a Port Access Route Study (PARS) to evaluate safe routes for vessel traffic transiting to and from the Port of Cape Canaveral and within the offshore waters of Jacksonville, Daytona, and Canaveral, Florida. The Cape Canaveral PARS is necessary to maintain and improve navigational safety by determining if shipping safety fairways and/or routing measures should be established, adjusted, or modified due to a variety of factors including continued growth in the aerospace industry and operations. The recommendations of the study may subsequently be implemented through rulemakings or in accordance with international agreements.

DATES: Comments and related material must be received on or before July 16, 2024. Requests for a public meeting must be submitted on or before May 17, 2024.

ADDRESSES: You may submit comments identified by docket number USCG–2023–0822 using the Federal eRulemaking Portal *http://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice or study, call or email Lieutenant Meredith Overstreet, Seventh Coast Guard District (dpw), U.S. Coast Guard; telephone (206) 815–5857, email *Meredith.D.Overstreet1@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

ACPARS Atlantic Coast Port Access Route Study
COMDTINST Commandant Instruction
CFR Code of Federal Regulations
DHS Department of Homeland Security
EEZ Exclusive Economic Zone
E.O. Executive Order
FR Federal Register
PARS Port Access Route Study
TSS Traffic Separation Scheme
U.S. United States
U.S.C. United States Code

II. Background and Purpose

A. Requirements for Port Access Route Studies: Under Section 70003 of Title 46 of the United States Code, the Commandant of the Coast Guard may designate necessary shipping safety fairways (fairways) and traffic separation schemes (TSSs) to provide safe access routes for vessels proceeding to and from U.S. ports. The designation of fairways and TSSs recognizes the paramount right of navigation over all other uses in the designated areas.

Before establishing or adjusting fairways or TSSs, the Coast Guard must conduct a Port Access Route Study (PARS), a study of potential traffic density and the need for safe access routes for vessels. Through the study process, the Coast Guard must coordinate with Federal, State, and foreign nations (where appropriate) and consider the views of maritime community representatives, environmental groups, and other interested stakeholders. The primary purpose of this coordination is, to the extent practicable, to reconcile the need for safe access routes with other reasonable waterway uses such as anchorages, construction, the operation of renewable energy facilities, marine sanctuary operations, commercial activities, recreational activities, and other uses.

In addition to aiding the Coast Guard in establishing new or adjusting fairways or TSSs, this PARS may recommend establishing or amending other vessel routing measures. Examples of other routing measures include two-way routes, recommended tracks, deep-water routes (for the benefit primarily of ships whose ability to maneuver is constrained by their draft), precautionary areas (where ships must navigate with particular caution), and areas to be avoided (for reasons of exceptional danger or especially sensitive ecological and environmental factors).

The Cape Canaveral PARS will consider whether such measures are necessary to improve navigation safety due to factors such as continued growth in the aerospace industry and operations; current port capabilities and planned improvements; increased vessel traffic; existing and potential anchorage areas; changing vessel traffic patterns; weather; and/or navigational difficulty. Vessel routing measures are implemented to reduce the risk of marine casualties and may be a result of this study.

B. Previous Port Access Route Studies within this Study Area: In 2016, the Coast Guard published a notice of its Atlantic Coast Port Access Route Study (ACPARS) in the **Federal Register** (81 FR 13307; March 14, 2016) and announced the study report as final in the **Federal Register** (82 FR 16510; April 5, 2017). The ACPARS analyzed the Atlantic Coast waters seaward of existing port approaches within the U.S. Exclusive Economic Zone (EEZ). This multiyear study began in 2011, included public participation, and identified the navigation routes customarily followed by ships engaged in commerce between international and domestic U.S. ports. The study is available at *https://www.navcen.uscg.gov/port-access-route-studies.* Data and information from stakeholders, including Automatic Identification System data from vessel traffic, were used to identify and verify deep draft and coastwise navigation routes that are typically followed by ships engaged in commerce between international and domestic U.S ports.

C. Need for a New Port Access Route Study: In 2022, the Coast Guard announced in the **Federal Register** (87 FR 76497; December 14, 2022) a new study of routes used by ships to access ports on the Southeast Atlantic Coast of the United States and the Commonwealth of Puerto Rico and the U.S. Virgin Islands. This new study is in support of the provisions provided in Public Law 117–169, commonly referred to as the Inflation Reduction Act of 2022, and Executive Order on the Implementation of the Energy and Infrastructure Provisions of the Inflation Reduction Act of 2022 (E.O. 14082). This study will be separate from, but may expand upon, the proposals in the other Coast Guard rulemakings. The Cape Canaveral PARS will focus on the coastwise shipping routes and approaches to the port of Cape Canaveral and the impact of space operations offshore Jacksonville, Daytona, and Cape Canaveral. This PARS will help the Coast Guard determine what impact, if any, the siting, construction, and operation of new developments may have on existing near coastal users of the U.S. waters of the Atlantic Ocean adjacent to Cape Canaveral and the potential impact of shipping to other maritime users. To ensure safety of navigation, the Coast Guard will determine the impacts of aerospace operations that may result in rerouting traffic, funneling traffic, and placement of structures that may obstruct navigation. Some of the impacts may include port expansion in Cape Canaveral, increased implementation of safety and security zones, increased vessel traffic density, more restricted offshore vessel routing, fixed navigation obstructions, underwater cable hazards, and economic impacts. Analyzing the various impacts will require a thorough understanding of the interrelationships of shipping, port operations, the aerospace industry, the cruise industry, and other commercial and recreational uses.

The goal of the PARS is to enhance navigational safety by examining existing shipping routes and waterway uses, and, to the extent practicable, reconciling the paramount right of navigation within designated port access routes with other waterway uses such as the expansion of aerospace operations, growth of the cruise industry, commercial fishing, marine sanctuaries, and port expansions.

III. Information Requested

Timelines, Study Area, Focus, and Process: The Cape Canaveral PARS is expected to take 12 months or more to complete. The study area will encompass all vessel traffic patterns approaching and departing the Port of Cape Canaveral and offshore Jacksonville, Daytona, and Cape Canaveral. The Cape Canaveral PARS will focus on vessel traffic and navigation mitigation techniques to improve and support safe navigation transits.

As part of this study, we will analyze current and historical vessel traffic, fishing vessel information, agency and stakeholder experience in vessel traffic management, navigation, ship handling, and effects of weather. We encourage you to participate in the study process by submitting comments in response to this document.

We will publish the results of the Cape Canaveral PARS in the **Federal Register**. It is possible that the study may validate existing vessel routing measures and conclude that no changes are necessary. It is also possible that the study may recommend one or more changes to enhance navigational safety and the efficiency of vessel traffic. The recommendations may lead to future rulemakings or appropriate international agreements.

Possible Scope of the Recommendations: We are attempting to determine the scope of any safety concerns associated with vessel transits in the study area. The information gathered during the study should help us identify concerns and mitigating solutions. Considerations might include: (1) Maintain the current vessel routing measures; (2) modify the existing traffic separation schemes; (3) create one or more precautionary areas; (4) create one or more inshore traffic zones; (5)

establish area(s) to be avoided; (6) create deep-draft routes; (7) evaluate the established Regulated Navigation Area (RNA) with specific vessel operating requirements for aerospace industry operations;[1] (8) identify any other appropriate ships' routing measures; (9) use this study for future decisions on routing measures or other maritime traffic considerations and; (10) use this study to inform other agencies concerning the impacts of their future endeavors.

Questions: To help us conduct the Cape Canaveral PARS, we request information that will help answer the following questions, although comments on other issues addressed in this document are also welcome. In responding to a question, please explain your reasons for each answer and follow the instructions under ''Public Participation and Request for Comments'' below.

(1) What navigational hazards do vessels operating in the study area face? Please describe.

(2) Are there strains on the current vessel routing systems, such as increasing traffic density associated with future growth? Please describe.

(3) Are modifications to existing vessel routing measures needed to address hazards and improve traffic efficiency in the study area? If so, please describe.

(4) What costs and benefits are associated with the measures listed as potential study considerations? What measures do you think are most cost-effective?

(5) What impacts, both positive and negative, would changes to existing routing measures or new routing measures have on the study area?

(6) Where do you transit? Where are your transit routes? What criteria are used in determining your transit routes?

(7) Do you currently experience competing uses for the same waterway areas or transit routes? If so, please describe.

(8) Do you anticipate, or are you aware of, future competing uses for the same waterway areas or transit routes? These could include potential aerospace industry operations, commercial fishing, cruise ship navigation, or otherwise.

(9) Are there other environmental, cultural, Tribal, marine mammal, or other impacts which should be considered during this Port Access Route Study?

[1] 33 CFR 165.701 and 165.775.

IV. Public Participation and Request for Comments

We encourage you to participate in this study by submitting comments and related materials. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

A. Submitting Comments: If you submit comments to the online public docket, please include the docket number for this rulemaking (USCG–2023–0822), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. We accept anonymous comments.

To submit your comment online, go to *http://www.regulations.gov*, and insert ''USCG–2023–0822'' in the ''search box.'' Click ''Search.'' Then click ''Comment Now.'' We will consider all comments and material received during the comment period.

B. Public Meetings: The Coast Guard may hold public meeting(s) if there is sufficient public interest. You must submit a request for one on or before May 17, 2024. You may submit your request for a public meeting online via *http://www.regulations.gov*. Please explain why you believe a public meeting would be beneficial. If we determine that a public meeting would aid in the study, we will hold a meeting at a time and place announced by a later notice in the **Federal Register**.

C. Viewing Comments and Documents: To view the comments and documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov*, click on the ''read comments'' box, which will then become highlighted in blue. In the ''Keyword'' box insert ''USCG–2023–0822'' and click ''Search.'' Click the ''Open Docket Folder'' in the ''Actions'' column.

D. Privacy Act: We accept anonymous comments. All comments received will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and submissions in response to this document, see DHS's Correspondence System of Records notice (84 FR 48645, September 26, 2018). Documents mentioned in this notice as being available in the docket, and all public comments, will be in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted, or a final rule is published.

V. Cape Canaveral PARS: Study Area

The Seventh Coast Guard District, Coast Guard Sector Jacksonville, and Coast Guard Marine Safety Unit Port Canaveral will conduct the Cape Canaveral PARS. The study will commence upon publication of this notice and take 12 months or more to complete.

The study area is bounded by a line connecting the following positions:

(1) *Port of Canaveral Site.* From as far north as St. Augustine and as far south as Fort Pierce and out 210 Nautical Miles from the shore. All waters from surface to bottom encompassed within a line connecting the following points:

Point 1	29°53′55″ N	081°16′18″ W
Point 2	29°56′49″ N	077°05′41″ W
Point 3	27°27′53″ N	076°55′28″ W
Point 4	27°34′07″ N	080°18′53″ W
Point 5	28°01′24″ N	080°32′23″ W
Point 6	28°15′26″ N	080°36′19″ W
Point 7	28°24′32″ N	080°35′11″ W
Point 8	28°24′34″ N	080°37′31″ W
Point 9	28°24′41″ N	080°37′31″ W
Point 10	28°24′39″ N	080°35′02″ W
Point 11	28°26′11″ N	080°33′54″ W
Point 12	28°27′08″ N	080°31′21″ W
Point 13	28°35′56″ N	080°34′56″ W
Point 14	29°02′46″ N	080°54′12″ W
Point 15	29°37′30″ N	081°12′01″ W

thence return to origin.

(2) *Jacksonville Site.* All waters from surface to bottom encompassed within a line connecting the following points:

Point 1	31°06′28″ N	080°15′00″ W
Point 2	30°55′01″ N	080°01′40″ W
Point 3	30°43′30″ N	080°15′00″ W
Point 4	30°55′01″ N	080°28′19″ W

thence return to origin.

(3) *Daytona Site.* All waters from surface to bottom encompassed within a line connecting the following points:

Point 1	29°59′27″ N	080°40′01″ W
Point 2	29°48′00″ N	080°26′52″ W
Point 3	29°36′32″ N	080°40′01″ W
Point 4	29°48′00″ N	080°53′09″ W

thence return to origin.

(4) *Cape Canaveral Site.* All waters from surface to bottom encompassed within a line connecting the following points:

Point 1	29°02′27″ N	080°13′48″ W
Point 2	28°51′00″ N	080°00′46″ W
Point 3	28°39′32″ N	080°13′48″ W
Point 4	28°51′00″ N	080°26′49″ W

thence return to origin.

While the Port of Canaveral Site completely overlaps with the Cape

Canaveral Site and mostly overlaps with the Daytona Site, the coordinates for the Cape Canaveral and Daytona Sites have still been included for mariners' reference given historical space capsule recoveries in those specific coordinates. An illustration showing the study area is available in the docket where indicated under **ADDRESSES**.

The Cape Canaveral PARS will analyze navigation routes to/from the Port of Cape Canaveral, and historic space capsule safety zone reentry sites offshore Jacksonville, Daytona, and Canaveral. Current capabilities and planned improvements to handle maritime conveyances will be considered. The analyses will be conducted in accordance with COMDTINST 16003.2B, Marine Planning to Operate and Maintain the Marine Transportation System and Implement National Policy. This Instruction is available at *https://media.defense.gov/2019/Jul/10/2002155400/-1/-1/0/CI_16003_2B.PDF*.

We will publish the results of the Cape Canaveral PARS in the **Federal Register**. It is possible that the study may validate the status quo (no fairways or routing measures) and conclude that no changes are necessary. It is also possible that the study may recommend one or more changes to address navigational safety and the efficiency of vessel traffic management. The recommendations may lead to future rulemakings or appropriate international agreements.

This notice is published under the authority of 46 U.S.C. 70003(c)(1).

Dated: April 10, 2024.

Douglas M. Schofield,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 2024–08191 Filed 4–16–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2023–0014; OMB No. 1660–NW164]

Agency Information Collection Activities: Submission for OMB Review, Comment Request; An Investigation of the Effect of Disaster Response and Recovery on Perceived Stress and Emotional Trauma

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: 30-Day notice of new collection and request for comments.

SUMMARY: The Federal Emergency Management Agency (FEMA) will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission seeks comments concerning the effect of disasters on the mental health of emergency managers at local, State, and Federal levels.

DATES: Comments must be submitted on or before May 17, 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: Requests for additional information or copies of the information collection should be made to Director, Information Management Division, 500 C Street SW, Washington, DC 20472, email address: *FEMA-Information-Collections-Management@fema.dhs.gov* or Megan Corley, Supervisory Psychologist, FEMA Mental Health, at *fema-mentalhealth@fema.dhs.gov* or (202) 880–7506.

SUPPLEMENTARY INFORMATION: A study to investigate the effect of disaster response and recovery on emergency managers was requested by Congress in the Consolidated Appropriations Act, 2021 (Pub. L. 116–260). 29 CFR part 1960, entitled ''Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters'', contains special provisions to assure safe and healthful working conditions for Federal employees; requiring the head of each Federal agency to maintain an effective and comprehensive occupational safety and health program consistent with Section 6 of the Occupational Safety and Health Administration Act of 1970 (Pub. L. 91–596) (OSHA Act). Furthermore, 5 U.S.C. 7902 requires the head of each agency to develop and support organized safety promotion to reduce accidents and injuries to its employees, encourage safe practices, and eliminate hazards and risks. Under 5 U.S.C. 7902 (e), Agencies must also keep a record of injuries and accidents.

This program was established to improve the mental health of FEMA's, as well as State and local, emergency managers in response to the effects of stress caused by disasters. This data collection is needed to comply with the OSHA Act, 5 U.S.C. 7902 requiring the monitoring, reporting, and mitigation of workplace injuries, and with the request from Congress to undertake this survey.

This proposed information collection previously published in the **Federal Register** on December 4, 2023, at 88 FR 84161 with a 60-day public comment period. No comments were received. The purpose of this notice is to notify the public that FEMA will submit the information collection abstracted below to the Office of Management and Budget for review and clearance.

Collection of Information

Title: An Investigation of the Effect of Disaster Response and Recovery on Perceived Stress and Emotional Trauma.

Type of Information Collection: New information collection.

OMB Number: 1660–NW164.

FEMA Forms: FEMA Form FF–119–FY–23–100, FEMA Congressional Mental Health Emergency Manager Wellness Study Survey.

Abstract: This information collection supports a study to investigate the effect of disaster response and recovery on emergency managers that was requested by Congress in 2022. This is a voluntary survey that will be collected electronically with approximately 38 questions pertaining to the individuals' experience and demographics, as well as their perceptions of emotional trauma and stress symptoms while supporting a disaster response or recovery. Prior to seeing these questions, participants will see an informed consent screen that outlines the nature of the study, risks, benefits, and Institutional Review Board (IRB) information. Participants may choose to end the survey at any time without questions being asked. Participants are given mental health resources to support them in the event of emotional triggering.

Affected Public: State, local, and Tribal governments.

Estimated Number of Respondents: 378.

Estimated Number of Responses: 378.

Estimated Total Annual Burden Hours: 189.

Estimated Total Annual Respondent Cost: $11,712.

Estimated Respondents' Operation and Maintenance Costs: $0.

Estimated Respondents' Capital and Start-Up Costs: $0.

Estimated Total Annual Cost to the Federal Government: $307,907.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption

above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the Agency, including whether the information shall have practical utility; (b) 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; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) 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.

Millicent Brown Wilson,

Records Management Branch Chief, Office of the Chief Administrative Officer, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2024–08095 Filed 4–16–24; 8:45 am]

BILLING CODE 9111–19–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0104]

Agency Information Collection Activities; Revision of a Currently Approved Collection: Petition for U Nonimmigrant Status

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 May 17, 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–2010–0004. All submissions received must include the OMB Control Number 1615–0104 in the body of the letter, the agency name and Docket ID USCIS–2010–0004.

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 November 9, 2023, at 88 FR 77347, allowing for a 60-day public comment period. USCIS did receive 6 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–2010–0004 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 Request:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Petition for U Nonimmigrant Status.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I–918; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households; Federal Government; or State, local or Tribal Government. This petition permits victims of certain qualifying criminal activity and their immediate family members to apply for temporary nonimmigrant classification. This nonimmigrant classification provides temporary immigration benefits, potentially leading to permanent resident status, to certain victims of criminal activity who: suffered substantial mental or physical abuse as a result of having been a victim of criminal activity; have information regarding the criminal activity; and assist government officials in investigating and prosecuting such criminal activity.

(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 I–918 is 28,500 and the estimated hour burden per response is 4.92 hours. The estimated total number of respondents for the information collection I–918A is 19,900 and the estimated hour burden per response is 1.25 hour. The estimated total number of respondents for the information collection I–918B is 28,500 and the estimated hour burden per response is

1.42 hours. The estimated total number of respondents for the information collection of Biometrics is 48,400 and the estimated hour burden per response is 1.17 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 262,003 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 $3,860,555.

Dated: April 12, 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. 2024–08185 Filed 4–16–24; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR 6449–N–01]

Methodology for Annual Inflationary Adjustments to Income Calculations in HUD Subsidized Housing Programs

AGENCY: Office of the Assistant Secretary for Community Planning and Development, Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice; request for comment.

SUMMARY: The Department of Housing and Urban Development (HUD), through this notice, solicits comment on the Department's proposed methodology for deriving an Inflationary Factor from the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI–W). This factor will be used to adjust certain values pursuant to a requirement established in the Housing Opportunity Through Modernization Act of 2016 (HOTMA) that such values be adjusted annually by inflation.

DATES: *Comment due date:* May 17, 2024. If HUD receives adverse comment that leads to reconsideration of this proposed methodology, then HUD will notify the public via a revised notice following the close of the comment period.

Applicability date: The terms of this notice are applicable to income determinations with an effective date on or after January 1, 2025, unless HUD receives comment that would lead to the reconsideration of its proposed methodology. HUD will publish both the Inflationary Factor and the Revised Amounts in August of each year to be used for the following calendar year.

ADDRESSES: Interested persons are invited to submit comments on the proposed methodology. Communications must refer to the above docket number and title. There are two methods for submitting public comments:

1. *Electronic Submission of Comments.* Interested persons may submit comments electronically through the Federal eRulemaking Portal at *https://www.regulations.gov.* HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the author maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make such comments immediately available to the public. Comments submitted electronically through the *https://www.regulations.gov* website can be viewed by other submitters and interested members of the public. Commenters must follow instructions provided on that site to submit comments electronically.

2. *Submission of Comments by Mail.* Members of the public may submit comments by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 10276, Washington, DC 20410–0500. Due to security measures at all federal agencies however, submission of comments by standard mail often results in delayed delivery. To ensure timely receipt of comments, HUD recommends that comments submitted by standard mail be submitted at least two weeks in advance of the deadline. HUD will make all comments received by mail available to the public at *https://www.regulations.gov.*

Note: To receive consideration as public comments, comments must be submitted through one of the two methods specified above. Again, all submissions must refer to the docket number and title of the notice.

No Facsimile Comments. HUD does not accept facsimile (Fax) comments.

Public Inspection of Public Comments. All comments and communications properly submitted to HUD will be available for public inspection and copying between 8 a.m. and 5 p.m. weekdays at the above address. Due to security measures at the HUD Headquarters building, an advance appointment to review the public comments must be scheduled by calling the Regulations Division at (202) 708–3055 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.*

Copies of all comments submitted are available for inspection and downloading at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development (CPD), Room 7160, U.S. Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, (202) 708–2684. Rita Harcrow, Director, Office of HIV/AIDS Housing, Office of Community Planning and Development, Room 7248, U.S. Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, (202) 745–4323. The email for CPD programs is *CPD_HOTMA@hud.gov.* Jennifer Lavorel, Director, Office of Asset Management and Portfolio Oversight Program Administration Office, Office of Multifamily Housing Programs, Room 6180, U.S. Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, (202) 402–2515. Kymian Ray, Director, Public Housing Management and Occupancy Division, Office of Public Housing and Voucher Programs, Room 4210, U.S. Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, (202) 402–2065. Adam Bibler, Director, Program Parameters and Research Division, Office of Policy Development and Research, (202) 402–6057, for technical information regarding the development of the schedules or the methods used for calculating the inflation factors.

The contact telephone numbers listed are not toll-free numbers. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.*

SUPPLEMENTARY INFORMATION:

I. Terminology and Definitions

HUD defines the following terms for the purposes of this notice:

Adjusted Item. The figure that is to be adjusted for inflation (*e.g.,* the dependent deduction).

Inflation Index. The Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI–W).[1] The CPI–W is published by the U.S. Bureau of Labor Statistics and is available on the following website: *https://www.bls.gov/cpi/.*

Index Value. The number produced as the direct output of the CPI–W on a monthly basis. This number reflects the price of a market basket of consumer goods and services, relative to other points in time measured by the inflation index.

Inflationary Factor. The number that reflects the percentage change in the index value from one year to the next.

Revised Amount. The final value(s) published by HUD after the Inflationary Factor and rounding requirements are applied.

Rounding Requirements. For the mandatory deduction for elderly and disabled families, the mandatory deduction for dependents, the threshold for exclusion of earned income of dependent full-time students, and the threshold for exclusion of adoption assistance payments, Revised Amounts will be rounded down to the next lowest multiple of $25. All other Revised Amounts will be rounded to the nearest dollar.

Starting Value. The value of an Adjusted Item for the first year, prior to inflationary adjustment (*e.g.,* in calendar year 2024, the dependent deduction was set at $480).

Tracking Amount. An intermediate figure in the calculation after the Inflationary Factor is applied but prior to application of rounding requirements.

II. Applicability

This notice applies to the following programs: [2]

- Community Development Block Grant Program (CDBG)
- Continuum of Care Program (CoC)
- Emergency Solutions Grant Program (ESG)
- HOME Investment Partnerships Program (HOME)
- HOME Investment Partnerships Program-American Rescue Plan (HOME–ARP)
- Housing Choice Voucher
- Housing Opportunities for Persons With AIDS (HOPWA)
- Housing Trust Fund (HTF)
- Public Housing
- Section 8 Moderate Rehabilitation
- Section 8 Moderate Rehabilitation for Single Room Occupancy (SRO) Dwellings for Homeless Individuals
- Section 8 Project Based Rental Assistance (PBRA)
- Section 202 Project Rental Assistance Contract (PRAC)
- Section 202/162 Project Assistance Contract (PAC)
- Section 236 Non-Insured Projects Subject to Use Agreements (236)
- Section 811 Project Rental Assistance Contract (PRAC)
- Section 811 Project Rental Assistance Demonstration (811 PRA)
- Self-Help Homeownership Opportunity Program (SHOP)
- Senior Preservation Rental Assistance Contract (SPRAC)
- Supportive Housing Program (SHP)

III. Background

Through the Housing Opportunity Through Modernization Act of 2016 (HOTMA),[3] HUD requires that several values adjust annually for inflation in accordance with an Inflation Index selected by the Secretary. The Revised Amounts will be used by Public Housing Agencies (PHAs), Multifamily Owners (MFH Owners), and CPD grantees during income reviews [4] for program applicants and participants, except as otherwise noted below.

Asset Limitation

HOTMA establishes a limitation on the admission and continued program participation of families with assets that exceed $100,000. This amount is to be adjusted annually, rounded to the nearest dollar. (24 CFR 5.618(a)(1)(i), 574.310(f))

Note: The asset limitation does not apply to the 202/811 PRAC, 236, 811 PRA, CDBG, HOME, HOME–ARP, HTF, or SPRAC programs.

Note: Pursuant to Notice PIH 2023–27/Notice H 2023–10,[5] PHAs/MFH Owners have discretion with respect to the application of the asset limitation at annual and interim reexamination. PHAs/MFH Owners may adopt a written policy of total non-enforcement, full enforcement, or limited enforcement, and may also adopt exception policies. See Notice H 2023–10 for more details.

Threshold for Calculating Imputed Returns on Assets

HOTMA establishes that when the value of net family assets exceeds the threshold of $50,000, any imputed returns on such assets must be calculated when actual income cannot be calculated. This amount is to be adjusted annually, rounded to the nearest dollar. (24 CFR 5.609(a)(2) and (b)(1)).

Threshold for Inclusion of Non-Necessary Personal Property in Assets

As implemented by HUD, HOTMA establishes that when the combined value of all of a family's non-necessary items of personal property does not exceed $50,000, the combined value of all items of non-necessary personal property is excluded from net family assets. This amount is to be adjusted annually, rounded to the nearest dollar. (24 CFR 5.603(b)).

Threshold for Acceptance of Self-Certification of Assets

HOTMA establishes that a PHA/MFH Owner/CPD Grantee may accept a family's self-certification of net assets when net family assets are equal to or less than $50,000. This amount is to be adjusted annually, rounded to the nearest dollar. (24 CFR 5.618(b)(1), 5.659(e), 92.203(e); 93.151(e); 574.310(e)(3)(ii); 960.259(c)(2), and 982.516(a)(3)).

Threshold for Exclusion of Earned Income of Dependent Full-Time Student

As implemented by HUD, HOTMA establishes an income exclusion of amounts more than $480 for the earned income of a dependent, full-time student. This amount is to be adjusted annually, rounded to the next lowest multiple of $25. (24 CFR 5.609(b)(14)).

Threshold for Exclusion of Adoption Assistance Payments

As implemented by HUD, HOTMA establishes an income exclusion of amounts more than $480 for adoption assistance payments. This amount is to be adjusted annually, rounded to the next lowest multiple of $25. (24 CFR 5.609(b)(15)).

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[1] HUD established in the HOTMA Final Rule (88 FR 9600; Feb. 14, 2023) that the Department will use the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI–W) for the Inflation Index. See the HOTMA Final Rule for a detailed discussion on why HUD chose the CPI–W. *https://www.federalregister.gov/documents/2023/02/14/2023-01617/housing-opportunity-through-modernization-act-of-2016-implementation-of-sections-102-103-and-104#h-167.*

[2] When a grantee in CPD programs has a choice in applying a definition of annual income under their program regulations and the grantee chooses the definition in 24 CFR 5.609, then the grantee is subject to the applicable requirements in 24 CFR 5.609, 24 CFR 5.611, and 24 CFR 5.618 as revised by the HOTMA final rule.

[3] Public Law 114–201.

[4] Income reviews and their requirements are defined in HUD's program regulations found in 24 CFR 5.609; 891.105; 891.410; 891.610; 960.257; 982.516; 92.203; and 93.151.

[5] Notice PIH 2023–27/Notice H 2023–10, ''Implementation Guidance: Sections 102 and 104 of the Housing Opportunity Through Modernization Act of 2016 (HOTMA).'' Originally issued September 29, 2023. Reissued February 2, 2024. These notices are substantively identical.

Mandatory Deductions for Elderly and Disabled Families and for Dependents

HOTMA establishes a $525 mandatory deduction from income for elderly and disabled families. This amount is to be adjusted annually, rounded to the next lowest multiple of $25. (24 CFR 5.611(a)(2)).

HOTMA establishes a $480 mandatory deduction from income for dependents. This amount is to be adjusted annually, rounded to the next lowest multiple of $25. (24 CFR 5.611(a)(1))

Note: Mandatory deductions do not apply to the HTF program unless the unit is subject to HUD's regulations found in 24 CFR 93.151(a)(1)–(3) and (f).

HUD will publish both the Inflationary Factor and the Revised Amounts in August of each year on the HUD User website at *https://www.huduser.gov/portal/datasets/inflationary-adjustments-notifications.html.* Throughout calendar year 2024, these amounts will be the Starting Value determined by the HOTMA statute. As explained in Notice PIH 2023–27/H 2023–10 and a publication in the **Federal Register**,[6] PHAs, MFH Owners, and CPD Grantees may delay compliance with HOTMA and may pick a compliance date as early as January 1, 2024, but no later than January 1, 2025. If a PHA, MFH Owner, or CPD Grantee begins complying with the HOTMA income and assets rule for transactions in 2024, they will use calendar year 2024 Starting Values as described in this Notice. HUD will publish Revised Amounts to be used for all income determinations with an effective date on or after January 1, 2025.

Adjusted item	Starting value, CY 2024
The amount for the eligibility restriction on net family assets	$100,000
The amount for the value of net family assets above which imputed returns may be calculated	50,000
The amount of the combined value of all non-necessary personal property that is excluded from net family assets, if the combined total value does not exceed this amount	50,000
The amount of net assets for which the PHA/MFH Owner/CPD Grantee may accept self-certification by the family	50,000
Income exclusion for earned income of dependent full-time students	480
Income exclusion for adoption assistance payments	480
The amount of the mandatory deduction for elderly and disabled families	525
The amount of the mandatory deduction for a dependent	480

IV. The Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI–W)

The Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI–W), published monthly by the Bureau of Labor Statistics (BLS), tracks the average change in prices paid by urban wage earners for consumer goods and services. Monthly Index Values are available for the U.S. City Average or national average, for various geographic areas (regions and metropolitan areas), for national population size classes or urban areas, and for cross-classifications or regions and size classes.

In the final rule implementing Sections 102, 103, and 104 of HOTMA (FR–6057–F–03; February 14, 2023), HUD specified that it would use the CPI–W because of public comments, HUD's belief that it is an accurate measure of inflation to use in making income and asset determinations, and the fact that it would be familiar to many since it is used for the Social Security Administration's (SSA) Cost-of-Living Adjustment.[7]

CPI–W Index Values can be seasonally adjusted. Seasonal adjustment is a statistical technique that attempts to measure and remove the influences of predictable seasonal patterns from time series data. Seasonally adjusted data are most useful when making current or short-term analyses, to filter out the impact of predictable seasonal variation. In addition, seasonally adjusted data are subject to revision for up to five years.

HUD proposes to use non-seasonally adjusted Index Values to calculate the Inflationary Factor. Unadjusted index values are often used for escalation purposes and measure the change in the actual prices consumers pay for goods and services. Since HUD will be using the same three months from one year to the next, non-seasonally adjusted values can better estimate longer term price movements. The SSA Cost-of-Living Adjustment also uses seasonally unadjusted data from the CPI–W.

HUD proposes to compare an average of three months of CPI–W index values from one year to the next, to calculate the Inflationary Factor. The SSA Cost-of-Living Adjustment also uses three months of CPI–W data, so following suit will make HUD's method more familiar and accessible. An average of three months of data is more likely than a one-month snapshot to represent durable trends, and it is more likely than a longer average to reflect current economic circumstances.

HUD proposes to calculate one national Inflationary Factor. Use of a national average is preferred in light of administrative difficulties that would arise from having a variety of different regional inflationary factors. Again, the SSA Cost-of-Living Adjustment uses national CPI–W data, which will make HUD's inflationary adjustments methods more familiar and accessible.

HUD proposes to make no adjustment but to hold the Revised Amounts fixed when the percentage change in the CPI–W from one year to the next shows no increase or a decrease. This aligns with the SSA Cost-of-Living Adjustment. It also ensures that assisted families are not harmed by increases in rents or a lower asset limitation during an economic downturn. As the SSA does, HUD would subsequently restart upward adjustments only when the CPI–W has recovered fully, to avoid adjustments that would outpace inflation generally over the long term. (See sample calculation #3 in section VI.)

V. Methodology for Calculating the Inflationary Factor and Revised Amounts

Calculating the Inflationary Factor

HUD proposes to determine the annual Inflationary Factor for the coming calendar year by calculating the change (if any) in the CPI–W from the average for the second quarter (April, May, and June) of the prior year to the average for the second quarter in the current year. The average in the CPI–W

[6] *https://www.federalregister.gov/documents/2023/12/08/2023-27026/housing-opportunity-through-modernization-act-implementation-of-sections-102-103-and-104-extension.*

[7] See 42 U.S.C. 415 for the SSA Cost-of-Living Adjustment formula.

for the second quarter of each year will be calculated by averaging the monthly unadjusted CPI–W index values for that year. Data from the second quarter of the year will be used so that HUD can publish Revised Amounts before PHAs, MFH owners, and CPD grantees need to use such Revised Amounts for income calculations that will have effective dates in the next calendar year.

Step 1: Average unrounded CPI–W Index Values for April, May, and June of current year.

Current Year Average Index Value = (April Index Value + May Index Value + June Index Value)/3

Step 2: Average unrounded CPI–W Index Values for April, May, and June of prior year.

Prior Year Average Index Value = (April Index Value + May Index Value + June Index Value)/3

Step 3: Subtract the prior three-month average Index Value from the current three-month average Index Value and divide by the prior year average Index Value × 100 to find the Inflationary Factor (percentage).

Inflationary Factor = ((Current Year Average − Prior Year Average)/Prior Year Average) × 100

Example Calculation of the Inflationary Factor

TOTAL AND AVERAGE YEAR-OVER-YEAR CPI–W INDEX VALUES FOR THE SECOND QUARTER

Month	Prior year index value (all items, unadjusted)	Current year index value (all items, unadjusted)
April	261.237	284.575
May	263.612	288.022
June	266.412	292.542
3-month total	791.261	865.139
3-month Average	263.754	288.380

((288.380 − 263.754)/263.754) × 100 = 9.3

In this example calculation, there has been a 9.3 percent increase. (An inflationary factor could be presented as 1.093. When that inflationary factor is multiplied by the value that needs to be adjusted, the product will reflect that 9.3 percent increase. For ease of calculation, the percentage change will be converted back to decimal form, and added to or subtracted from 1, to provide the Inflationary Factor for the formulas below.)

Calculating the Tracking and Revised Amounts

Once the Inflationary Factor is determined, the Revised Amounts for the coming calendar year are determined in two steps. First, the Inflationary Factor is applied to the figure to be adjusted. Second, the appropriate rounding requirements are applied to determine the new Revised Amount.

In 2024, the first year an inflationary adjustment will be calculated, HUD will take the starting values for all inflation-adjusted figures (as determined by statute, see Section III) and multiply by the Inflationary Factor determined by the CPI–W. The product is the Tracking Amount, an intermediate step in the calculation. Next, the relevant rounding requirements are applied to the Tracking Amount, to determine the Revised Amount that must be used for the coming calendar year. All figures to be adjusted will be rounded to the nearest dollar, except the dependent deduction (24 CFR 5.611(a)(1)), the elderly or disabled family deduction (24 CFR 5.611(a)(2)), and the income exclusions described in 24 CFR 5.609(b)(14) and (15), which will be rounded down to the next lowest multiple of $25, as required by statute.

Step 1: Starting Value × (1 + Inflationary Factor) = Tracking Amount

Step 2: Rounding Requirement Applied to Tracking Amount = Revised Amount

HUD proposes to use the following formula for calculating Tracking and Revised Amounts for all years after the first year of adjustment:

Step 1: Prior-Year Tracking Amount × (1 + Inflationary Factor) = Current Tracking Amount

Step 2: Rounding Requirement Applied to Current Tracking Amount = Revised Amount

HUD has determined that this method will track inflation over time better than available alternatives. At Step 1, HUD will multiply the Tracking Amount from the prior year by the Inflationary Factor determined by the CPI–W, to determine the current Tracking Amount. A method that instead started from the Prior-Year Revised Amount in Step 1 could inadvertently prevent any inflationary increases for the dependent deduction, the elderly or disabled family deduction, or the income exclusions tied to the dependent deduction level, even after years of persistent high inflation. This is partly because this alternative method would round the deductions and other figures more than is necessary, preventing all but the most extraordinary inflationary increases. (See sample calculation #5 in Section VI for further discussion.) Next, the relevant rounding requirements are applied to the current Tracking Amount, to determine the Revised Amount that must be used for the coming calendar year.

VI. Sample Calculations for the Inflationary Factor and Revised Amounts

Below is a series of sample calculations to illustrate HUD's proposed methodology, including calculating both the Inflationary Factor and the Revised Amounts. The sample series is intended to illustrate how HUD proposes to calculate the Revised Amounts under different circumstances, including positive, negligible, and negative changes in prices year-over-year.

Sample 1: Calculating the Revised Amount for the Elderly/Disabled Family Deduction in 24 CFR 5.611(a)(2): Positive Percentage Change in Average Year-Over-Year Index Values

TOTAL AND AVERAGE YEAR-OVER-YEAR CPI–W INDEX VALUES FOR THE SECOND QUARTER

Month	Prior year index value	Current year index value
April	261.237	284.575
May	263.612	288.022
June	266.412	292.542
3-month total	791.261	865.139
3-month Average	263.754	288.380

In this sample, the Elderly/Disabled Family Deduction has yet to be adjusted for inflation, so at the outset it is set at the starting value of $525.

Step 1—Calculate Inflationary Factor:

$((288.380 - 263.754)/263.754) \times 100 =$ 9.3 percent or 1.093

Step 2—Determine the Tracking Amount for the Elderly/Disabled Family Deduction:

$\$525 \times (1 + 0.093) = \$573.83$

Step 3—Apply rounding requirement to the Tracking Amount to determine the new Revised Amount:

HOTMA requires that the elderly/disabled family deduction be rounded down to the next lowest multiple of $25. Rounding to the next lowest multiple of $25 from $573.83 requires rounding to $550. The Elderly/Disabled Family Deduction is adjusted from $525 to $550. Here is how the inflationary factor of 9.3 percent would be applied to all other figures that required adjustment that year:

Adjusted item	Starting value	Inflationary factor	Tracking amount	Rounding requirement	Revised amount
The amount for the eligibility restriction on net family assets.	$100,000	1.093	$109,300	To the nearest dollar	$109,300
The amount for the value of net family assets above which imputed returns may be calculated; The amount of the combined value of all non-necessary personal property that is excluded from net family assets, if the combined total value does not exceed this amount; The amount of net assets for which the PHA/MFH Owner/CPD Grantee may accept self-certification by the family.	50,000	1.093	54,650	To the nearest dollar	54,650
The amount of the mandatory deduction for a dependent; Income exclusion for earned income of dependent full-time students; Income exclusion for adoption assistance payments.	480	1.093	524.64	To the next lowest multiple of $25.	500

Sample 2: Calculating the Revised Amount for the Elderly/Disabled Family Deduction in 24 CFR 5.611(a)(2): Insufficient Positive Percentage Change in Average Year-Over-Year Index Values

TOTAL AND AVERAGE YEAR-OVER-YEAR CPI–W INDEX VALUES FOR THE SECOND QUARTER

Month	Prior year index value	Current year index value
April	261.237	266.462
May	263.612	268.884
June	266.412	271.740
3-month total	791.261	807.086
3-month Average	263.754	269.029

In this sample, the Elderly/Disabled Family Deduction has yet to be adjusted for inflation, so at the outset it is set at the starting value of $525.

Step 1—Calculate Inflationary Factor:

$((269.029 - 263.754)/263.754) \times 100 =$ 2.0 percent or 1.02

Step 2—Determine the Tracking Amount for the Elderly/Disabled Family Deduction:

$\$525 \times (1 + 0.02) = \$535.50$

Step 3—Apply rounding requirement to the Tracking Amount to determine the new Revised Amount:

HOTMA requires that the elderly/disabled family deduction be rounded to the next lowest multiple of $25. Rounding to the next lowest multiple of $25 from $535.50 requires rounding to $525. The Elderly/Disabled Family Deduction remains at $525.

Note that while the 2 percent inflationary factor is not sufficient to increase the Elderly/Disabled Family Deduction in this year, because of the relevant rounding rules requiring the figure will be rounded to the next lowest multiple of $25, other inflation-adjusted figures will be increased. For

example, if the amount for the eligibility restriction on net family assets had been $100,000, it would be increased to $102,000.

Adjusted item	Starting value	Inflationary factor	Tracking amount	Rounding requirement	Revised amount
The amount for the eligibility restriction on net family assets.	$100,000	1.02	$102,000	To the nearest dollar	$102,000
The amount for the value of net family assets above which imputed returns may be calculated; The amount of the combined value of all non-necessary personal property that is excluded from net family assets, if the combined total value does not exceed this amount; The amount of net assets for which the PHA/MFH Owner/CPD Grantee may accept self-certification by the family.	50,000	1.02	51,000	To the nearest dollar	51,000
The amount of the mandatory deduction for a dependent; Income exclusion for earned income of dependent full-time students; Income exclusion for adoption assistance payments.	480	1.02	489.60	To the next lowest multiple of $25.	480 (no adjustment).

Sample 3: Calculating Revised Amount for the Elderly/Disabled Family Deduction in 24 CFR 5.611(a)(2): Negative Percentage Change in Average Year-Over-Year Index Values

TOTAL AND AVERAGE YEAR-OVER-YEAR CPI–W INDEX VALUES FOR THE SECOND QUARTER

Month	Prior year index value	Current year index value
April	284.575	278.884
May	288.022	282.262
June	292.542	286.691
3-month total	865.139	847.837
3-month average	288.380	282.613

In this sample, the Elderly/Disabled Family Deduction has yet to be adjusted for inflation, so at the outset it is set at the starting value of $525.

Step 1—Calculate Inflationary Factor:

$((282.613 - 288.380)/288.380) \times 100 = -2.0$ percent or 0.98

Step 2—No Adjustment Made:

Because this would result in a decrease, HUD will not make an adjustment and will publish the Revised Amount as unchanged from the prior year. The Revised Amount for the coming year will be $525. HUD will hold the Revised Amount constant until the CPI–W average exceeds its previous high, to ensure that subsequent increases to Revised Amounts do not outpace inflation in recovery years.

Adjusted item	Starting value	Inflationary factor	Tracking amount	Rounding requirement	Revised amount
The amount for the eligibility restriction on net family assets.	$100,000	0.98	No adjustment	To the nearest dollar	$100,000
The amount for the value of net family assets above which imputed returns may be calculated; The amount of the combined value of all non-necessary personal property that is excluded from net family assets, if the combined total value does not exceed this amount; The amount of net assets for which the PHA/MFH Owner/CPD Grantee may accept self-certification by the family.	50,000	0.98	No adjustment	To the nearest dollar	50,000
The amount of the mandatory deduction for a dependent; Income exclusion for earned income of dependent full-time students; Income exclusion for adoption assistance payments.	480	0.98	No adjustment	To the next lowest multiple of $25.	480

Sample 4: Calculating Revised Amounts for Net Family Assets in 24 CFR 5.609 (Value Cap for Imputing Net Family Assets, Value Cap for Exclusion of Non-Necessary Personal Property) and 24 CFR 5.618 (Value Cap for Self-Certification of Net Family Assets): Positive Percentage Change in Average Year-Over-Year Index Values

TOTAL AND AVERAGE YEAR-OVER-YEAR CPI–W INDEX VALUES FOR SECOND QUARTER

Month	Prior year index value	Current year index value
April	285.121	289.641
May	285.002	288.991
June	272.542	289.564
3-month total	842.665	868.196
3-month average	280.888	289.399

In this sample, the amount for the value of net family assets above which imputed returns may be calculated, the value of the combined total non-necessary personal property that may be excluded from net family assets, and the amount of net assets for which the PHA/MFH Owner/CPD Grantee may accept self-certification by the family have yet to be adjusted for inflation, so at the outset all are set at the starting value of $50,000.

Step 1—Calculate Inflationary Factor:

$((289.399 - 280.888)/280.888) \times 100 =$ 3.0 percent or 1.03

Step 2—Determine the Tracking Amounts for the Value Cap for Imputing Net Family Assets, Value Cap for Exclusion of Non-Necessary Personal Property, and the Value Cap for Self-Certification of Net Family Assets:

$\$50,000 \times 1.03 = \$51,500$

Step 3—Apply rounding requirement to determine the new Revised Amount:

HOTMA requires that the value caps for imputing net family assets, the exclusion of non-necessary personal property, and self-certification of net family assets must be rounded to the nearest dollar. The new Revised Amounts would increase from $50,000 to $51,500.

Adjusted item	Starting value	Inflationary factor	Tracking amount	Rounding requirement	Revised amount
The amount for the eligibility restriction on net family assets.	$100,000	1.03	$103,000	To the nearest dollar	$103,000.
The amount of the mandatory deduction for elderly and disabled families.	525	1.03	540.75	To the next lowest multiple of $25.	$525 (no adjustment).
The amount of the mandatory deduction for a dependent; Income exclusion for earned income of dependent full-time students; Income exclusion for adoption assistance payments.	480	1.03	494.40	To the next lowest multiple of $25.	$480 (no adjustment).

Sample 5: Calculating Revised Amounts for Dependent Deduction in 24 CFR 5.611(a)(1): Subsequent Years of Inflationary Adjustments

This sample compares how calculations are made in the first year with how calculations are made in subsequent years of inflationary adjustment. It demonstrates three consecutive calculations of inflationary adjustment for the dependent deduction. In the first year, there is an inflationary factor of 4 percent; in the second year, there is a factor of 3.5 percent; and in the third year, there is a factor of 3.9 percent.

First Year:

TOTAL AND AVERAGE YEAR-OVER-YEAR CPI–W INDEX VALUES FOR SECOND QUARTER

Month	Prior year index value	Current year index value
April	280.111	291.315
May	280.557	291.779
June	281.672	292.939
3-month total	842.340	876.033
3-month average	280.780	292.011

In the first year of calculation, the Dependent Deduction has yet to be adjusted for inflation, so at the outset it is set at the starting value of $480.

Step 1—Calculate Inflationary Factor:

$((292.011 - 280.780)/280.780) \times 100 =$ 4.0 percent or 1.04

Step 2—Determine the Tracking Amount for the Dependent Deduction:

$480 × 1.04 = $499.20

Step 3—Apply rounding requirement to determine the new Revised Amount:

HOTMA requires that the dependent deduction must be rounded to the next lowest multiple of $25. Because $499.20 would round to $475, which is lower than the current level of $480, HUD would make no adjustment to the dependent deduction. The Revised Amount for the coming calendar year would remain $480.

Second Year:

TOTAL AND AVERAGE YEAR-OVER-YEAR CPI–W INDEX VALUES FOR SECOND QUARTER

Month	Prior year index value	Current year index value
April	291.315	301.511
May	291.779	301.991
June	292.939	303.192
3-month total	876.033	906.694
3-month average	292.011	302.231

Step 1—Calculate Inflationary Factor:

((302.231 − 292.011)/292.011) × 100 = 3.5 percent or 1.035

Step 2—Determine the Tracking Amount for the Dependent Deduction:

In the second year of calculation, HUD will start with the Tracking Amount from the prior year ($499.20), which is equivalent to the product of the starting value and all inflationary factors determined to date.

$499.20 × 1.035 = $516.67

Step 3—Apply rounding requirement to determine the new Revised Amount:

HOTMA requires that the dependent deduction must be rounded to the next lowest multiple of $25. $516.67 must be rounded down to $500. The Revised Amount for the coming calendar year is increased from $480 to $500.

Third Year:

TOTAL AND AVERAGE YEAR-OVER-YEAR CPI–W INDEX VALUES FOR SECOND QUARTER

Month	Prior year index value	Current year index value
April	301.511	313.270
May	301.991	313.769
June	303.192	315.016
3-month total	906.694	942.055
3-month average	302.231	314.018

Step 1—Calculate Inflationary Factor:

((314.018 − 302.231)/302.231) × 100 = 3.9 percent or 1.039

Step 2—Determine the Tracking Amount for the Dependent Deduction:

In the third year of calculation, HUD will start with the Tracking Amount from the prior year ($516.67), which is equivalent to the product of the starting value and all inflationary factors determined to date.

$516.67 × 1.039 = $536.82

Step 3—Apply rounding requirement to determine the new Revised Amount:

HOTMA requires that the dependent deduction must be rounded to the next lowest multiple of $25. $536.82 must be rounded down to $525. The Revised Amount for the coming calendar year is increased from $500 to $525.

During this hypothetical four-year period, there has been an 11.8 percent increase in the average CPI–W index value (from 280.780 to 314.018). Likewise, there has been an 11.8 percent increase in the Tracking Amount (from $480 to $536.82). In that time, the dependent deduction has increased by 9.4 percent (from $480 to $525). If instead of this method, HUD were to begin the second- and third-year calculations with the rounded Revised Amount from the previous year, the dependent deduction would not increase at all.

VII. Findings and Certifications Environmental Impact

This notice sets forth rate determinations and related external administrative requirements and procedures that do not constitute a development decision affecting the physical condition of specific project areas or building sites. Accordingly, under 24 CFR 50.19(c)(6), this notice is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

VIII. Paperwork Reduction Act

This notice does not impact the information collection requirements already submitted to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). In accordance with the Paperwork Reduction Act, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. The OMB control number associated with this collection is 2502–0587.

Damon Y. Smith,

General Counsel.

[FR Doc. 2024–08133 Filed 4–16–24; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[245A2100DD/AAKC001030/A0A501010.999900]

Receipt of Documented Petition for Federal Acknowledgment as an American Indian Tribe

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Department of the Interior (Department) gives notice that the group known as the Chihene Nde Nation of New Mexico has filed a documented petition for Federal acknowledgment as an American Indian tribe with the Assistant Secretary–

Indian Affairs. The Department seeks comment and evidence from the public on the petition.

DATES: Comments and evidence must be postmarked by August 15, 2024.

ADDRESSES: Copies of the narrative portion of the documented petition, as submitted by the petitioner (with any redactions appropriate under 25 CFR 83.21(b)), and other information are available at the Office of Federal Acknowledgement's website: *www.bia.gov/as-ia/ofa.* Submit any comments or evidence to: Department of the Interior, Office of the Assistant Secretary–Indian Affairs, Attention: Office of Federal Acknowledgment, Mail Stop 4071 MIB, 1849 C Street NW, Washington, DC 20240, or by email to: *Ofa_Info@bia.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. K. Denise Litz, OFA Acting Director, Office of the Assistant Secretary–Indian Affairs, Department of the Interior (202) 513–7650.

SUPPLEMENTARY INFORMATION: On July 31, 2015, the Department's revisions to 25 CFR part 83 became final and effective (80 FR 37861). A key goal of the revisions was to improve transparency through increased notice of petitions and providing improved public access to petitions. Today the Department informs the public that a complete documented petition has been submitted under the current regulations, that portions of that petition are publicly available on the website identified above for easy access, and that we are seeking public comment early in the process on this petition.

Under 25 CFR 83.22(b)(1), the Office of Federal Acknowledgement (OFA) publishes notice that the following group has filed a documented petition for Federal acknowledgment as an American Indian tribe to the Assistant Secretary—Indian Affairs: Chihene Nde Nation of New Mexico. The contact information for the petitioner is Mr. Manuel P. Sanchez, c/o Mr. Ruben Q. Leyva, 5690 Desert Star Road, Las Cruces, New Mexico 88005.

Also under 25 CFR 83.22(b)(1), OFA publishes on its website the following:

i. The narrative portion of the documented petition, as submitted by the petitioner (with any redactions appropriate under 25 CFR 83.21(b));

ii. The name, location, and mailing address of the petitioner and other information to identify the entity;

iii. The date of receipt;

iv. The opportunity for individuals and entities to submit comments and evidence supporting or opposing the petitioner's request for acknowledgment within 120 days of the date of the website posting; and

v. The opportunity for individuals and entities to request to be kept informed of general actions regarding a specific petitioner.

The Department publishes this notice and request for comment in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Bryan Newland,

Assistant Secretary—Indian Affairs.

[FR Doc. 2024–08084 Filed 4–16–24; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BLM_CO_FRN_MO4500178984]

Notice of Filing of Plats of Survey, Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of official filing.

SUMMARY: The plats of survey of the following described lands are scheduled to be officially filed in the Bureau of Land Management (BLM), Colorado State Office, Lakewood, Colorado, 30 calendar days from the date of this publication. The surveys, which were executed at the request of the U.S. Forest Service and the BLM, are necessary for the management of these lands.

DATES: Unless there are protests of this action, the plats described in this notice will be filed on May 17, 2024.

ADDRESSES: You may submit written protests to the BLM Colorado State Office, Cadastral Survey, P.O. Box 151029, Lakewood, CO 80215.

FOR FURTHER INFORMATION CONTACT: David W. Ginther, Chief Cadastral Surveyor for Colorado, telephone: (970) 826–5064; email: *dginther@blm.gov.* Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The plat and field notes of the dependent resurvey and survey in Township 29 South, Range 70 West, Sixth Principal Meridian, Colorado, were accepted on February 27, 2024.

The plat and field notes of the dependent resurvey and subdivision of sections in Township 32 North, Range 6 East, New Mexico Principal Meridian, Colorado, were accepted on March 12, 2024.

A person or party who wishes to protest any of the above surveys must file a written notice of protest within 30 calendar days from the date of this publication at the address listed in the **ADDRESSES** section of this notice. A statement of reasons for the protest may be filed with the notice of protest and must be filed within 30 calendar days after the protest is filed. If a protest against the survey is received prior to the date of official filing, the filing will be stayed pending consideration of the protest. A plat will not be officially filed until the day after all protests have been dismissed or otherwise resolved.

Before including your address, phone number, email address, or other personal identifying information in your protest, please be aware that your entire protest, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

(Authority: 43 U.S.C. chap. 3)

David W. Ginther,

Chief Cadastral Surveyor.

[FR Doc. 2024–08195 Filed 4–16–24; 8:45 am]

BILLING CODE 4331–16–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX064A000 245S180110; S2D2S SS08011000 SX064A000 24XS501520; OMB Control Number 1029–0047]

Submission to the Office of Management and Budget for Review and Approval; Permanent Program Performance Standards—Surface and Underground Mining Activities

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before June 17, 2024.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to Mark Gehlhar, Office of Surface Mining Reclamation and Enforcement, 1849 C Street NW, Room 1544–MIB, Washington, DC 20240, or by email to *mgehlhar@osmre.gov.* Please reference OMB Control Number 1029–0047 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Mark Gehlhar by email at *mgehlhar@osmre.gov,* or by telephone at 202–208–2716. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) is the collection necessary to the proper functions of the agency; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the agency enhance the quality, utility, and clarity of the information to be collected; and (5) how might the agency minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: Sections 515 and 516 of the Surface Mining Control and Reclamation Act of 1977 provide that permittees conducting coal mining operations shall meet all applicable performance standards of the Act. The information collected is used by the regulatory authority to monitor and inspect surface coal mining activities to ensure that they are conducted in compliance with the requirements of the Act.

Title of Collection: Permanent Program Performance Standards—Surface and Underground Mining Activities.

OMB Control Number: 1029–0047.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Businesses and State governments.

Total Estimated Number of Annual Respondents: 524.

Total Estimated Number of Annual Responses: 367,712.

Estimated Completion Time per Response: Varies from 1.5 hours to 240 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 1,662,067.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: Annually.

Total Estimated Annual Nonhour Burden Cost: $24,376,631.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Mark J. Gehlhar,

Information Collection Clearance Officer, Office of Surface Mining Reclamation and Enforcement.

[FR Doc. 2024–08217 Filed 4–16–24; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX064A000 245S180110; S2D2S SS08011000 SX064A000 24XS501520; OMB Control Number 1029–0039]

Agency Information Collection Activities; Underground Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plan

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before May 17, 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. Please provide a copy of your comments to Mark Gehlhar, Office of Surface Mining Reclamation and Enforcement, 1849 C Street NW, Room 1544–MIB, Washington, DC 20240, or by email to *mgehlhar@osmre.gov.* Please reference OMB Control Number 1029–0039 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Mark Gehlhar by email at *mgehlhar@osmre.gov,* or by telephone at (202) 208–2716. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA; 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), we provide the general public and other

Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on December 19, 2023 (88 FR 87812). No comments were received.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: Sections 507(b), 508(a) and 516(b) of 30 U.S.C. 1201 of the Surface Mining Control and Reclamation Act of 1977 require underground coal mine permit applicants to submit an operations and reclamation plan and establish performance standards for the mining operation. Information submitted is used by the regulatory authority to determine if the applicant can comply with the applicable performance and environmental standards required by the law.

Title of Collection: Underground Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plan.

OMB Control Number: 1029–0039.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Businesses and State governments.

Total Estimated Number of Annual Respondents: 21.

Total Estimated Number of Annual Responses: 556.

Estimated Completion Time per Response: Varies from 2 hours to 80 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 11,007.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: One time.

Total Estimated Annual Nonhour Burden Cost: $204,716.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Mark J. Gehlhar,

Information Collection Clearance Officer, Office of Surface Mining Reclamation and Enforcement.

[FR Doc. 2024–08218 Filed 4–16–24; 8:45 am]

BILLING CODE 4310–05–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1386]

Certain Self-Balancing Electric Skateboards and Components Thereof; Notice of a Commission Determination Not To Review an Initial Determination Finding the Only Remaining Respondent in Default; Request for Written Submissions on Remedy, the Public Interest, and Bonding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's (''ALJ'') initial determination (''ID'') (Order No. 15) finding the only remaining respondent Floatwheel of Guilin City, GuangXi Province, China (''Floatwheel'') in default. The Commission requests written submissions from the parties, interested government agencies, and other interested persons on the issues of remedy, the public interest, and bonding, under the schedule set forth below.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW, Washington, DC 20436, telephone (202) 205–2737. 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, telephone (202) 205–1810.

SUPPLEMENTARY INFORMATION: On January 16, 2024, the Commission instituted this investigation based on a complaint filed by Future Motion, Inc. of Santa Cruz, California (''Complainant,'' or ''Future Motion''). 89 FR 2644–45 (Jan. 16, 2024). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States, the sale for importation, or sale within the United States after importation of certain self-balancing electric skateboards and components thereof by reason of the infringement of one or more of claims 1, 2, 4–6, 8–10, 13–15, and 17–19 of U.S. Patent No. 9,400,505 (''the '505 patent''). *Id.* at 2644. The Commission's notice of investigation named as respondents Floatwheel; Changzhou Smilo Motors Co., Ltd. of Changzhou, Jiangsu Province, China (''Smilo''); Changzhou Gaea Technology Co., Ltd. of Changzhou, Jiangsu, China (''Gaea''); and Shanghai Loyal Industry Co., Ltd., d/b/a ''SoverSky'' of Shanghai, China (''SoverSky'') (collectively, ''Respondents''). *Id.* at 2645. The Office of Unfair Import Investigations (''OUII'') was also named as a party in this investigation. *Id.*

On March 12, 2024, Complainant moved to withdraw its complaint and terminate this investigation with respect to respondents Smilo, Gaea, and SoverSky. Motion Docket No. 1386–06 (EDIS Doc. ID 815981). On March 13,

2024, the ALJ granted the unopposed motion. Order No. 13 (Mar. 13, 2024); *unreviewed by* Notice (April 12, 2024).

The complaint and notice of investigation were served on Floatwheel on January 17, 2024. *See* Order No. 8 at 5 (Feb. 6, 2024). Floatwheel failed to respond to the complaint and notice of investigation. On February 8, 2024, Complainant filed a motion for an order to show cause directing Floatwheel to demonstrate why it should not be found in default for failing to respond to the complaint and notice of investigation, or otherwise participate in the investigation.

On February 23, 2024, the presiding ALJ issued Order No. 10, ordering, *inter alia,* Floatwheel to show why it should not be found in default and why judgment should not be rendered against it for failing to respond to the complaint and notice of investigation. No response was filed to the show cause order.

On March 13, 2024, the ALJ issued the subject ID (Order No. 15) finding Floatwheel in default under Commission Rule 210.16 (19 CFR 210.16).

The ID further noted that because Floatwheel did not respond to the order to show cause, it had necessarily failed to make the requisite showing of good cause to avoid default. *Id.* at 2. In addition, the ID noted that Complainant filed proof of service of Order No. 10 on Floatwheel. *Id.* at 2 (citing Proof of Email Service of Order No. 10 (EDIS Doc. ID 814868) (email to *tonyfloatwheel@gmail.com* with Order No. 10 attached)). The ID also noted that Complainant's proof of service demonstrates that it served Order No. 10 on Floatwheel by email on February 23, 2024. *Id.* (citations omitted).

The ID concluded that Floatwheel is in default under 19 CFR 210.16, and that Floatwheel therefore has no right to appear, to be served with documents, or to contest the allegations in this investigation. *Id.* (citing 19 CFR 210.16(b)(4)). No party petitioned for review of the ID.

The Commission has determined not to review the subject ID. Floatwheel is hereby found in default.

Section 337(g)(l) (35 U.S.C. 1337(g)(l)) and Commission Rule 210.16(c) (19 CFR 210.16(c)) authorize the Commission to order relief against a respondent found in default, unless, after considering the public interest, it finds that such relief should not issue.

In connection with the final disposition of this investigation, the statute authorizes the issuance of, *inter alia,* (1) an exclusion order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) a cease and desist order that could result in the respondent being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, *see Certain Devices for Connecting Computers via Telephone Lines,* Inv. No. 337–TA–360, USITC Pub. No. 2843 Comm'n Op. at 7–10 (Dec. 1994).

The statute requires the Commission to consider the effects of that remedy upon the public interest. The public interest factors the Commission will consider include the effect that an exclusion order and/or cease and desist order would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve, disapprove, or take no action on the Commission's determination. *See* Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding.

In its initial submission, Complainant is also requested to identify the remedy sought and Complainant and OUII are requested to submit proposed remedial orders for the Commission's consideration. Complainant is further requested to provide the HTSUS subheadings under which the accused products are imported, and to supply the identification information for all known importers of the subject articles. The initial written submissions and proposed remedial orders must be filed no later than close of business on April 29, 2024. Reply submissions must be filed no later than the close of business on May 6, 2024. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

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 (March 19, 2020). Submissions should refer to the investigation number (Inv. No. 337–TA–1386) in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *https://www.usitc.gov/documents/handbook_on_filing_procedures.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 with the Commission and served on any parties to the investigation within two business days of any confidential filing. 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.

While temporary remote operating procedures are in place in response to COVID–19, the Office of the Secretary is not able to serve parties that have not retained counsel or otherwise provided a point of contact for electronic service. Accordingly, pursuant to Commission Rules 201.16(a) and 210.7(a)(1) (19 CFR 201.16(a), 210.7(a)(1)), the Commission orders that the Complainant(s) complete service for any party/parties without a method of electronic service noted on the attached Certificate of Service and shall file proof of service on the Electronic Document Information System (EDIS).

The Commission vote for this determination took place on April 12, 2024.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

Issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: April 12, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–08176 Filed 4–16–24; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1398]

Certain Smart Wearable Devices, Systems, and Components Thereof; Notice of Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on March 13, 2024, under section 337 of the Tariff Act of 1930, as amended, on behalf of Ouraring, Inc. of San Francisco, California, and Ōura Health Oy of Finland. An amended confidential exhibit was filed on March 21, 2024, and an amended complaint was filed on March 22, 2024. The complaint, as amended, 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 smart wearable devices, systems, and components thereof by reason of the infringement of certain claims of U.S. Patent No. 11,868,178 (''the '178 patent''); U.S. Patent No. 11,868,179 (''the '179 patent''); and U.S. Patent No. 10,842,429 (''the '429 patent''). The amended 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 cease and desist orders.

ADDRESSES: The complaint (as amended), 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: Pathenia M. Proctor, The Office of Unfair Import Investigations, 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 (2024).

Scope of Investigation: Having considered the complaint (as amended), the U.S. International Trade Commission, on April 12, 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, 2, 6–10, 12–14, 17, and 18 of the '178 patent; claims 1, 3–5, 9, 10, and 13–16 of the '179 patent; and claims 1, 3–6, and 8–11 of the '429 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 ''smart ring wearable devices, systems, and components thereof'';

(3) Pursuant to Commission Rule 210.50(b)(1), 19 CFR 210.50(b)(1), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties or other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. 1337(d)(1), (f)(1), (g)(1);

(4) 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 complainants are:

Ouraring, Inc., 222 Kearny Street, San Francisco, CA 94108, Ōura Health Oy, Elektroniikkatie 10, 90590 Oulu, Finland

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint (as amended) is to be served:

Ultrahuman Healthcare Pvt. Ltd., No. 4088/799, Third Floor, V K Paradise Sector-2, Bengaluru, Karnataka 560102, India

Ultrahuman Healthcare SP LLC, 4th Floor, Etihad Airways Center, Al Raha, Al Muneera, Abu Dhabi, UAE

Ultrahuman Healthcare Ltd., 5 New Street Square, London, United Kingdom

Guangdong Jiu Zhi Technology, Co. Ltd., Room 411–18, Floor 4, Building C, Innovation Center Plant, No. 34, XiangShan Avenue, Cuiheng New District, Zhongshan City, Guangdong 528437 China

RingConn LLC, 1226 North King St., Wilmington, DE 19801

Circular SAS, 78 Avenues des Champs-Elysées, Bureau 326, 75008 Paris, France

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW, Suite 401, Washington, DC 20436; and

(5) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the amended complaint and the notice of investigation must be submitted by the named respondents 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 complainants of the amended complaint and the notice of investigation. Extensions of time for submitting responses to the amended complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the amended complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the amended 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 amended 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: April 12, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–08198 Filed 4–16–24; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–710–711 and 731–TA–1673–1674 (Preliminary)]

2,4-Dichlorophenoxyacetic Acid ("2,4–D") From China and India; Revised Schedule for the Subject Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: April 11, 2024.

FOR FURTHER INFORMATION CONTACT: Charles Cummings (202–708–1666), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov*.

SUPPLEMENTARY INFORMATION: On March 14, 2024, the Commission established a schedule for the conduct of the preliminary phase of the subject investigations (89 FR 19876, March 20, 2024). Subsequently, the Department of Commerce ("Commerce") extended the deadline for its initiation determinations from April 3, 2024 to April 23, 2024 (89 FR 24431, April 8, 2024). The Commission, therefore, is revising its schedule to conform with Commerce's new schedule.

The Commission must reach preliminary determinations by May 20, 2024, and the Commission's views must be transmitted to Commerce within five business days thereafter, or by May 28, 2024.

For further information concerning this proceeding, see the Commission's notice cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.21 of the Commission's rules.

By order of the Commission.

Issued: April 12, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–08175 Filed 4–16–24; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On April 10, 2024, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Southern District of Georgia in the lawsuit entitled *United States* v. *Colonial Oil Industries, Inc.,* Civil Action No. 4:24–cv–00069–RSB–CLR.

The proposed Complaint alleges that Colonial (a) failed to meet renewable fuel volume obligations for fuel it supplied to certain marine vessels and (b) produced and sold gasoline that exceeded the applicable volatility standard. To resolve the violations alleged in the Complaint, the proposed Consent Decree requires Colonial to (i) purchase and retire over 9 million renewable identification number credits, estimated to cost approximately $12.2 million, to satisfy its outstanding compliance obligations within two years of the Court's entry of the Consent Decree, and (ii) pay a civil penalty of approximately $2.8 million.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Colonial Oil Industries, Inc.,* D.J. Ref. No. 90–5–2–1–12553. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Any comments submitted in writing may be filed by the United States in whole or in part on the public court docket without notice to the commenter.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* If you require assistance accessing the Consent Decree, you may request assistance by email or by mail to the addresses provided above for submitting comments.

Susan M. Akers,

Deputy Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2024–08124 Filed 4–16–24; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

[OMB 1140–0068]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Police Check Inquiry—ATF Form 8620.42

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 30 days until May 17, 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: John Dugan, Physical Security Programs Branch/Security & Emergency Programs Division, by email at *John.T.Dugan@atf.gov,* or telephone at 202–648–7935.

SUPPLEMENTARY INFORMATION: The proposed information collection was previously published in the **Federal Register**, 89 FR 11871, on Thursday, February 15, 2024, allowing a 60-day comment period.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and/or

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the information collection or the OMB Control Number 1140–0068. This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of Justice, information collections currently under review by OMB.

DOJ seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOJ notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a previously approved collection.

2. *Title of the Form/Collection:* Police Check Inquiry.

3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* ATF Form 8620.42.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. Affected public who will be asked or required to respond, as well as a brief abstract: Affected Public: Individuals or households.

Abstract: The Police Check Inquiry—ATF Form 8620.42 is used to collect personally identifiable information (PII) to determine if non-ATF personnel meet the basic requirements for escorted access to ATF facilities, non-sensitive information and/or construction sites.

5. *Obligation to Respond:* Voluntary.

6. *Total Estimated Number of Respondents:* 3,500.

7. *Estimated Time per Respondent:* 10 minutes.

8. *Frequency:* Once annually.

9. *Total Estimated Annual Time Burden:* 595 hours.

10. *Total Estimated Annual Other Costs Burden:* $0.

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: April 11, 2024.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2024–08093 Filed 4–16–24; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Information Collection Activities; Comment Request

AGENCY: Bureau of Labor Statistics, Department of Labor.

ACTION: Notice of information collection; request for comment.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed revision of the ''Survey of Occupational Injuries and Illnesses.'' A copy of the proposed information collection request (ICR) 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 Addresses section of this notice on or before June 17, 2024.

ADDRESSES: Send comments to Nora Kincaid, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room G225, 2 Massachusetts Avenue NE, Washington, DC 20212. Written comments also may be transmitted by email to *BLS_PRA_Public@bls.gov.*

FOR FURTHER INFORMATION CONTACT: Nora Kincaid, BLS Clearance Officer, 202–691–7628 (this is not a toll-free number). (See **ADDRESSES** section.)

SUPPLEMENTARY INFORMATION:

I. Background

Section 24(a) of the Occupational Safety and Health Act of 1970 requires the Secretary of Labor to develop and maintain an effective program of collection, compilation, and analysis of statistics on occupational injuries and illnesses. The Commissioner of Labor Statistics has been delegated the responsibility for ''Furthering the purpose of the Occupational Safety and Health Act by developing and maintaining an effective program of collection, compilation, analysis and publication of occupational safety and health statistics.'' The BLS fulfills this responsibility, in part, by conducting the Survey of Occupational Injuries and Illnesses in conjunction with participating State statistical agencies. The BLS Survey of Occupational Injuries and Illnesses provides the Nation's primary indicator of the progress towards achieving the goal of safer and healthier workplaces. The survey produces the overall rate of occurrence of work injuries and illnesses by industry which can be compared to prior years to produce measures of the rate of change. These data are used to assess the Nation's progress in improving the safety and health of America's work places; to prioritize scarce Federal and State resources; to guide the development of injury and illness prevention strategies; and to support Occupational Safety and Health Administration (OSHA) and State safety and health standards and research. Data are essential for evaluating the effectiveness of Federal and State programs for improving work place safety and health. For these reasons, it is necessary to provide estimates separately for participating States.

Effective with the release of estimates from the Survey of Occupational Injuries and Illnesses (SOII) in November 2023, the Bureau of Labor Statistics (BLS) introduced the publication of a new biennial case and demographic data series for cases that involve days of job transfer or restriction (DJTR). The first release of this new series covered the 2021–22 biennial reference period. This shift significantly changed the SOII news release and how publication tables are presented to provide additional data on the case circumstances and worker demographics for DJTR cases, in addition to details that have long been published for cases involving days away from work (DAFW). Biennial estimates for DJTR and DAFW are now released together. Summary industry estimates, produced annually, remain unchanged.

Starting with reference year 2023 data, the circumstances of injury and illness cases are coded using the updated Occupational Injury and Illness Classification System (OIICS), version 3. (See *https://www.bls.gov/iif/definitions/occupational-injuries-and-illnesses-classification-manual.htm* for more information on OIICS.) Estimates of detailed case circumstances for DJTR and DAFW using OIICS 3 will first be published in the SOII news release in November 2025, covering the 2023–24 biennial reference period.

II. Current Action

Office of Management and Budget clearance is being sought for the Survey of Occupational Injuries and Illnesses. The survey measures the overall rate of occurrence of work injuries and illnesses by industry for private industry, State governments, and local governments. For more serious injuries and illnesses with days away from work (DAFW) or with days of job transfer or restriction (DJTR), the survey provides detailed information on the injured/ill worker (age, sex, race, industry, occupation, and length of service), the time in shift, and the circumstances of the injuries and illnesses classified by standardized codes (nature of the injury/illness, part of body affected, primary and secondary sources of the injury/illness, and the event or exposure which produced the injury/illness).

The SOII is a mandatory survey that has traditionally experienced relatively high response rates compared to other establishment surveys. However, the SOII response rate has been trending lower for several years and was significantly impacted by the pandemic. BLS will conduct a one-year test with a small sample of survey participants to evaluate the effectiveness of an additional respondent contact for improving response rates.

III. Desired Focus of Comments

The Bureau of Labor Statistics is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Title of Collection: Survey of Occupational Injuries and Illnesses.

OMB Number: 1220–0045.

Type of Review: Revision of a currently approved collection.

Affected Public: Businesses or other for-profits; not-for-profit institutions; farms; State, local or Tribal governments.

BLS 9300 RESPONDENT BURDEN ESTIMATES

Form	Total respondents	Frequency	Total responses	Average time per response (minutes)	Estimated burden hours
Total Recording Burden	85,800	Annually	85,800	71.049	101,600
Total Reporting Burden	228,200	Annually	228,200	29.791	113,304
Totals	228,200	Annually	228,200		214,904

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

Signed at Washington, DC, this 10th day of April 2024.

Eric Molina,

Chief, Division of Management Systems, Branch of Policy Analysis.

[FR Doc. 2024–08088 Filed 4–16–24; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2007–0043]

TUV SUD America, Inc.: Application for Expansion of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the application of TUV SUD America, Inc. (TUVAM) for expansion of recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the agency's preliminary finding to grant the application.

DATES: Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before May 2, 2024.

ADDRESSES: Comments may be submitted as follows:

Electronically: You may submit comments, including attachments, electronically at *http://www.regulations.gov,* the Federal eRulemaking Portal. Follow the online instructions for submitting comments.

Instructions: All submissions must include the agency's name and the docket number for this rulemaking (Docket No. OSHA–2007–0043). All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at *https://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting information they do not want made available to the public, or submitting materials that contain personal information (either about themselves or others), such as Social Security numbers and birthdates.

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov.* Documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693–2350 (TTY (877) 889–5627) for assistance in locating docket submissions.

Extension of comment period: Submit requests for an extension of the comment period on or before May 2, 2024 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–3653, Washington, DC 20210, or by fax to (202) 693–1644.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor by phone: (202) 693–1999 or email: *meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor by phone: (202) 693–1911 or email: *robinson.kevin@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Notice of the Application for Expansion

OSHA is providing notice that TUV SUD America, Inc. (TUVAM) is applying for expansion of the current recognition as a NRTL. TUVAM requests the addition of five test standards to their NRTL scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition. Each NRTL's scope of recognition includes (1) the type of products the NRTL may test, with each type specified by its applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes an application by a NRTL for initial recognition and for an expansion or renewal of this recognition, following requirements in appendix A, 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides its preliminary finding. In the second notice, the agency provides the final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including TUVAM, which details the NRTL's scope of recognition. These pages are available from the OSHA website at: *http://www.osha.gov/dts/otpca/nrtl/index.html.*

TUVAM currently has seventeen facilities (sites) recognized by OSHA for product testing and certification, with its headquarters located at: TUV SUD America, Inc., 401 Edgewater Place, Suite 500, Wakefield, MA 01880. A complete list of TUVAM's scope of recognition (including sites recognized by OSHA) is available at: *https://www.osha.gov/dts/otpca/nrtl/tuvam.html.*

II. General Background on the Application

TUVAM submitted an application, dated September 30, 2021 (OSHA–2007–0043–0057), to expand their recognition to include five additional test standards. OSHA staff performed detailed analysis of the application packet and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to this application.

Table 1 below lists the appropriate test standards found in TUVAM's application for expansion for testing and certification of products under the NRTL Program.

TABLE 1—PROPOSED LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN TUVAM'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 50E	Safety Enclosures for Electrical Equipment, Environmental Considerations.
UL 3100	Automated Mobile Platforms (AMPs).
UL 60335–2–29	Household and Similar Electrical Appliances: Particular Requirements for Battery Chargers.
UL 61010–2–201	Safety Requirements for Electrical Equipment for Measurement, Control, and Laboratory Use—Part 2–201: Particular Requirements for Control Equipment.
UL 60950–22	Information Technology Equipment Safety—Part 22: Equipment to be Installed Outdoors.

III. Preliminary Findings on the Application

TUVAM submitted an acceptable application for expansion of the NRTL scope of recognition. OSHA's review of the application file, and pertinent documentation, indicate that TUVAM can meet the requirements prescribed by 29 CFR 1910.7 for expanding their recognition to include the addition of these five test standards for NRTL testing and certification listed above. This preliminary finding does not constitute an interim or temporary approval of TUVAM's application. OSHA seeks comment on this preliminary determination.

IV. Public Participation

OSHA welcomes public comment as to whether TUVAM meets the requirements of 29 CFR 1910.7 for expansion of recognition as a NRTL. Comments should consist of pertinent written documents and exhibits.

Commenters needing more time to comment must submit a request in writing, stating the reasons for the request by the due date for comments. OSHA will limit any extension to 10 days unless the requester justifies a longer time period. OSHA may deny a request for an extension if it is not adequately justified.

To review copies of the exhibits identified in this notice, as well as comments submitted to the docket, contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor. These materials also are generally available online at *https://www.regulations.gov* under Docket No. OSHA–2007–0043 (for further information, see the ''*Docket*'' heading in the section of this notice titled **ADDRESSES**).

OSHA staff will review all comments to the docket submitted in a timely manner. After addressing the issues raised by these comments, staff will make a recommendation to the Assistant Secretary of Labor for Occupational Safety and Health on whether to grant TUVAM's application for expansion of the scope of recognition. The Assistant Secretary will make the final decision on granting the application. In making this decision, the Assistant Secretary may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7.

OSHA will publish a public notice of the final decision in the **Federal Register**.

V. Authority and Signature

James S. Frederick, Deputy Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW, Washington, DC 20210, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to section 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 8–2020 (85 FR 58393; Sept. 18, 2020), and 29 CFR 1910.7.

Signed at Washington, DC, on April 10, 2024.

James S. Frederick,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2024–08087 Filed 4–16–24; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Advisory Board on Toxic Substances and Worker Health

ACTION: Solicitation for nominations to serve on the Advisory Board on Toxic Substances and Worker Health for the Energy Employees Occupational Illness Compensation Program Act (EEOICPA).

SUMMARY: The Acting Secretary of Labor (Secretary) invites interested parties to submit nominations for individuals to serve on the Advisory Board on Toxic Substances and Worker Health for Part E of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA).

DATES: Nominations for individuals to serve on the Board must be submitted (postmarked, if sending by mail; submitted electronically; or received, if hand delivered) within 30 days of the date of this notice.

ADDRESSES: Nominations may be submitted, including attachments, by any of the following methods:

- *Electronically:* Send to: *EnergyAdvisoryBoard@dol.gov* (specify in the email subject line, ''Advisory Board on Toxic Substances and Worker Health nomination'').
- *Mail, express delivery, hand delivery, messenger, or courier service:* Submit one copy of the documents listed above to the following address: U.S. Department of Labor, Office of Workers' Compensation Programs, Advisory Board on Toxic Substances and Worker Health, Room S–3522, 200 Constitution Ave. NW, Washington, DC 20210.

Follow-up communications with nominees may occur as necessary through the process.

FOR FURTHER INFORMATION CONTACT: You may contact Ryan Jansen, Designated Federal Officer, at *jansen.ryan@dol.gov,* or Carrie Rhoads, Alternate Designated Federal Officer, at *rhoads.carrie@dol.gov,* U.S. Department of Labor, 200 Constitution Avenue NW, Suite S–3524, Washington, DC 20210, telephone (202) 343–5580.

This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Advisory Board on Toxic Substances and Worker Health (the Board) is mandated by section 3687 of EEOICPA. The Secretary of Labor established the Board under this authority and Executive Order 13699 (June 26, 2015) and in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. 10. The purpose of the Board is to advise the Secretary with respect to: (1) the Site Exposure Matrices (SEM) of the Department of Labor; (2) medical guidance for claims examiners for claims with the EEOICPA program, with respect to the weighing of the medical evidence of claimants; (3) evidentiary requirements for claims under Part B of EEOICPA related to lung disease; and (4) the work of industrial hygienists and staff physicians and consulting

physicians of the Department of Labor and reports of such hygienists and physicians to ensure quality, objectivity, and consistency; (5) the claims adjudication process generally, including review of procedure manual changes prior to incorporation into the manual and claims for medical benefits; and (6) such other matters as the Secretary considers appropriate. The Advisory Board sunsets on December 19, 2029.

The Board shall consist of 12–15 members, to be appointed by the Secretary. A Chair of the Board will be appointed by the Secretary from among the Board members. Pursuant to section 3687(a)(2), the Advisory Board will reflect a reasonable balance of scientific, medical, and claimant members, to address the tasks assigned to the Advisory Board. The members serve two-year terms. At the discretion of the Secretary, members may be appointed to successive terms or removed at any time. The Board will meet no less than twice per year.

Pursuant to section 3687(d), no Board member, employee, or contractor can have any financial interest, employment, or contractual relationship (other than a routine consumer transaction) with any person who has provided or sought to provide, within two years of their appointment or during their appointment, goods or services for medical benefits under EEOICPA. A certification that this is true will be required with each nomination.

The Department of Labor is committed to equal opportunity in the workplace and seeks broad-based and diverse Advisory Board membership. Any interested person or organization may nominate one or more individuals for membership. Interested persons are also invited and encouraged to submit statements in support of nominees.

Nomination Process: If you would like to nominate an individual or yourself for appointment to the Board, please submit the following information:

- The nominee's contact information (name, title, business address, business phone, fax number, and/or business email address) and current employment or position;
- A copy of the nominee's resume or curriculum vitae;
- Category of membership that the nominee is qualified to represent (medical, scientific, claimant);
- A summary of the background, experience, and qualifications that addresses the nominee's suitability for the nominated membership category identified above;
- Articles or other documents the nominee has authored that indicate the nominee's knowledge, experience, and expertise in fields related to the EEOICPA program, particularly as pertains to industrial hygiene, toxicology, epidemiology, occupational medicine, lung conditions, or the nuclear facilities covered by the EEOICPA program;
- Documents or other supportive materials that demonstrate the nominee's familiarity, experience, or history of participation with the EEOICPA program or with the administration of a technically complex compensation program such as EEOICPA;
- A signed statement that the nominee does not have any financial interest, employment, or contractual relationship (other than a routine consumer transaction) with any person who has provided or sought to provide, within two years of their appointment or during their appointment, goods or services for medical benefits under EEOICPA; and
- A signed statement that the nominee is aware of the nomination; is willing to regularly attend and participate in Advisory Board meetings; during the last 10 years, has not been convicted of a felony, has not been imprisoned, been on probation, or been on parole for a felony, and is not currently under charges for a felony; and has no conflicts of interest that would preclude membership on the Board.

Nominees will be appointed based on their demonstrated qualifications, professional experience, and knowledge of issues the Advisory Board may be asked to consider. Nominees will also be selected in accordance with statutory obligations under FACA and Section 3687 of EEOICPA regarding a balanced membership.

Members are Special Government Employees (SGEs). Members will serve without compensation. However, members may each receive reimbursement for travel expenses for attending Board meetings, including per diem in lieu of subsistence, as authorized by the federal travel regulations.

The activities of the Advisory Board may necessitate its members obtaining security clearance. Pursuant to section 3687(f), the Secretary of Energy will ensure that the members and staff of the Board, and any contractors performing work in support of the Board, are afforded the opportunity to apply for a security clearance for any matter for which such a clearance is appropriate, and should provide a determination on eligibility for clearance within 180 days of receiving a completed application.

Signed at Washington, DC, this 12th day of April, 2024.

Christopher Godfrey,

Director, Office of Workers' Compensation Programs.

[FR Doc. 2024–08186 Filed 4–16–24; 8:45 am]

BILLING CODE 4510–CR–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–24–0009; NARA–2024–027]

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice of certain Federal agency requests for records disposition authority (records schedules). We publish notice in the **Federal Register** and on *regulations.gov* for records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on such records schedules.

DATES: We must receive responses on the schedules listed in this notice by June 3, 2024.

ADDRESSES: To view a records schedule in this notice, or submit a comment on one, use the following address: *https://www.regulations.gov/docket/NARA-24-0009/document.* This is a direct link to the schedules posted in the docket for this notice on *regulations.gov.* You may submit comments by the following method:

- *Federal eRulemaking Portal: https://www.regulations.gov.* On the website, enter either of the numbers cited at the top of this notice into the search field. This will bring you to the docket for this notice, in which we have posted the records schedules open for comment. Each schedule has a 'comment' button so you can comment on that specific schedule. For more information on *regulations.gov* and on submitting comments, see their FAQs at *https://www.regulations.gov/faq.*

If you are unable to comment via *regulations.gov,* you may email us at *request.schedule@nara.gov* for instructions on submitting your comment. You must cite the control number of the schedule you wish to

comment on. You can find the control number for each schedule in parentheses at the end of each schedule's entry in the list at the end of this notice.

FOR FURTHER INFORMATION CONTACT: Edward Germino, Strategy and Performance Division, by email at *regulation_comments@nara.gov* or at 301–837–3758. For information about records schedules, contact Records Management Operations by email at *request.schedule@nara.gov* or by phone at 301–837–1799.

SUPPLEMENTARY INFORMATION:

Public Comment Procedures

We are publishing notice of records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on these records schedules, as required by 44 U.S.C. 3303a(a), and list the schedules at the end of this notice by agency and subdivision requesting disposition authority.

In addition, this notice lists the organizational unit(s) accumulating the records or states that the schedule has agency-wide applicability. It also provides the control number assigned to each schedule, which you will need if you submit comments on that schedule.

We have uploaded the records schedules and accompanying appraisal memoranda to the *regulations.gov* docket for this notice as ''other'' documents. Each records schedule contains a full description of the records at the file unit level as well as their proposed disposition. The appraisal memorandum for the schedule includes information about the records.

We will post comments, including any personal information and attachments, to the public docket unchanged. Because comments are public, you are responsible for ensuring that you do not include any confidential or other information that you or a third party may not wish to be publicly posted. If you want to submit a comment with confidential information or cannot otherwise use the *regulations.gov* portal, you may contact *request.schedule@nara.gov* for instructions on submitting your comment.

We will consider all comments submitted by the posted deadline and consult as needed with the Federal agency seeking the disposition authority. After considering comments, we may or may not make changes to the proposed records schedule. The schedule is then sent for final approval by the Archivist of the United States. After the schedule is approved, we will post on *regulations.gov* a ''Consolidated Reply'' summarizing the comments, responding to them, and noting any changes we made to the proposed schedule. You may elect at *regulations.gov* to receive updates on the docket, including an alert when we post the Consolidated Reply, whether or not you submit a comment. If you have a question, you can submit it as a comment, and can also submit any concerns or comments you would have to a possible response to the question. We will address these items in consolidated replies along with any other comments submitted on that schedule.

We will post schedules on our website in the Records Control Schedule (RCS) Repository, at *https://www.archives.gov/records-mgmt/rcs,* after the Archivist approves them. The RCS contains all schedules approved since 1973.

Background

Each year, Federal agencies create billions of records. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval. Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. The records schedules authorize agencies to preserve records of continuing value in the National Archives or to destroy, after a specified period, records lacking continuing administrative, legal, research, or other value. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

Agencies may not destroy Federal records without the approval of the Archivist of the United States. The Archivist grants this approval only after thorough consideration of the records' administrative use by the agency of origin, the rights of the Government and of private people directly affected by the Government's activities, and whether or not the records have historical or other value. Public review and comment on these records schedules is part of the Archivist's consideration process.

Schedules Pending

1. Department of Health and Human Services, Administration for Strategic Preparedness and Response, Disaster Mortuary Operational Response Team (DMORTs) Records (DAA–0611–2023–0008).

2. Department of Health and Human Services, Administration for Strategic Preparedness and Response, Emergency Response Activities Records (DAA–0611–2023–0014).

3. Department of Health and Human Services, Administration for Strategic Preparedness and Response, Medical Countermeasures External Stakeholders Records (DAA–0611–2023–0006).

4. Department of Health and Human Services, Administration for Strategic Preparedness and Response, Official Files of ASPR High-Level Officials (DAA–0611–2023–0002).

5. Department of Health and Human Services, Health Resources and Services Administration, Employee Performance Records for Presidential Appointees (DAA–0512–2024–0001).

6. Department of State, Bureau of Medical Services, Medical Files (DAA–0059–2024–0003).

7. Department of Transportation, Federal Aviation Administration, Air Traffic Organization (ATO) Voluntary Safety Reporting Programs (DAA–0237–2024–0011).

8. National Security Agency/Central Security Service, Agency-wide, Inspector General Files, Project Support Records (DAA–0457–2023–0003).

9. Office of Management and Budget, Department-wide, Records of the Budget Review Division (DAA–0051–2022–0001).

10. Peace Corps, Agency-wide, Emergency Declaration Response Records (DAA–0490–2022–0004).

11. Securities and Exchange Commission, Office of International Affairs, Office of International Affairs Institute Files (DAA–0266–2024–0002).

Laurence Brewer,

Chief Records Officer for the U.S. Government.

[FR Doc. 2024–08134 Filed 4–16–24; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Institute of Museum and Library Services

Submission for OMB Review, Comment Request, Proposed Collection: IMLS Collections Assessment for Preservation Forms

AGENCY: Institute of Museum and Library Services, National Foundation on the Arts and the Humanities.

ACTION: Submission for OMB Review, comment request.

SUMMARY: The Institute of Museum and Library Services (IMLS) announces the following information collection has been submitted to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. This notice proposes the clearance of seven IMLS Collections Assessment for Preservation program forms. A copy of the proposed information collection request can be obtained by contacting the individual listed below in the **FOR FURTHER INFORMATION** section of this notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before May 17, 2024.

OMB is particularly interested in comments that help the agency to:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility, and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (*e.g.,* permitting electronic submission of responses).

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection request by selecting ''Institute of Museum and Library Services'' under ''Currently Under Review;'' then check ''Only Show ICR for Public Comment'' checkbox. Once you have found this information collection request, select ''Comment,'' and enter or upload your comment and information. Alternatively, please mail your written comments to Office of Information and Regulatory Affairs, Attn.: OMB Desk Officer for Education, Office of Management and Budget, Room 10235, Washington, DC 20503, or call (202) 395–7316.

FOR FURTHER INFORMATION CONTACT: Sarah Glass, Senior Program Officer, Office of Museum Services, Institute of Museum and Library Services, 955 L'Enfant Plaza North SW, Suite 4000, Washington DC 20024–2135. Ms. Glass can be reached by telephone at 202–653–4668, by email at *sglass@imls.gov.* Persons who are deaf or hard of hearing (TTY users) may contact IMLS at 202–207–7858 via 711 for TTY-Based Telecommunications Relay Service.

SUPPLEMENTARY INFORMATION: IMLS is the primary source of Federal support for the nation's libraries and museums. We advance, support, and empower America's museums, libraries, and related organizations through grant making, research, and policy development. Our vision is a nation where museums and libraries work together to work together to transform the lives of individuals and communities. To learn more, visit *www.imls.gov.*

Current Actions: This notice proposes the clearance of Collections Assessment for Preservation Forms. The 60-day Notice was published in the **Federal Register** on February 7, 2024 (89 FR 8457) (Document Number 2024–02432). The agency received no comments under this notice.

The Collections Assessment for Preservation (CAP) program allows up to two qualified conservators, who serve as assessors, to study all a museum's collections, buildings and building systems, as well as its policies and procedures relating to collections care. Participants who complete the program receive a report prepared by the assessor(s) with prioritized recommendations to improve collections care.

The purpose of this Notice is to solicit comments concerning the three-year approval of the seven forms necessary to support the administration and implementation of the IMLS Collections Assessment for Preservation (CAP) program. These are Application Forms to collect information about museums that wish to be considered for participation in the program; an Assessor Application Form to collect information necessary to determine whether potential assessors have sufficient qualifications to participate in the program; a Site Questionnaire to provide more detailed information about a museum to prepare for its assessment once it is accepted for participation in the program; an Application Feedback Form for museums to share information about how they heard about the program and to provide feedback about the application process; an Assessor Feedback Form for assessors to share their experiences with the CAP assessment; a Participant Feedback Form to help IMLS and the program administrator gain a better understanding of the experience of museums after participating in the program and to help improve the program for future years; and a Follow-Up Survey for CAP participants to share their longer-term experiences as a result of program participation to help IMLS and the program administrator make improvements over time.

These forms are used by the administrator of the CAP program and are necessary to support the management of the program and ongoing improvements to the services it provides. These are web-based forms that can be completed online via application software and SurveyMonkey, allowing faster response and reducing participant burden. Paper versions of the forms can be made available for small museums that may have limited or no access to the necessary technology.

Each application cycle to the CAP program engages new participating museums, therefore requiring the use of the forms for every participant. Assessor Application Forms need only be filled out once by potential assessors who may participate in multiple application cycles. Assessor Feedback Forms are completed by each assessor each year.

Agency: Institute of Museum and Library Services.

Title: Collections Assessment for Preservation Forms.

OMB Control Number: 3137–0126.

Agency Number: 3137.

Affected Public: Museum professionals and professional conservators.

Total Number of Respondents: 710.

Frequency of Response: Once.

Average Hours per Response: 1.5.

Total Burden Hours: 1010.

Total Annualized Capital/Startup Costs: n/a.

Total Annual Cost Burden: $ 32,774.50.

Total Annual Federal Costs: $ 4,493.30.

Dated: April 11, 2024.

Suzanne Mbollo,

Grants Management Specialist, Institute of Museum and Library Services.

[FR Doc. 2024–08094 Filed 4–16–24; 8:45 am]

BILLING CODE 7036–01–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Environmental Research and Education; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub., L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Advisory Committee for Environmental Research and Education (9487) (Hybrid).

Date and Time: May 8, 2024; 9:00 a.m.–5:00 p.m. (EDT); May 9, 2024; 9:00 a.m.–3:45 p.m. (EDT)

Place: National Science Foundation, 2415 Eisenhower Avenue, Room 3410, Alexandria, VA 22314 | Hybrid.

Hybrid participation is for advisory members and presenters only. Public participants may attend the meeting virtually. Registration for the meeting can be accessed at: *https://nsf.zoomgov.com/webinar/register/WN_-107DmCCToG61eULdo8HWg.*

Type of Meeting: Open.

Contact Person: Dr. Ashley Pierce, Staff Associate, Office of Integrative Activities, Office of the Director, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; (Email: *apierce@nsf.gov;* Telephone: (703) 292–4493.

Summary of Minutes: May be obtained from the AC ERE website: *https://new.nsf.gov/od/oia/advisory-committee-environmental-research.*

Purpose of Meeting: To provide advice, recommendations, and oversight concerning support for environmental research and education.

Agenda: Approval of minutes from past meeting. Updates on agency support for environmental research and activities. Discussion with NSF Director and Assistant Directors. Plan for future advisory committee activities. Updated agenda will be available on the AC ERE website: *https://new.nsf.gov/od/oia/advisory-committee-environmental-research.*

Dated: April 11, 2024.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2024–08113 Filed 4–16–24; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Notice of NITRD Workshop on the National Spectrum Research and Development Plan

AGENCY: Networking and Information Technology Research and Development (NITRD) National Coordination Office (NCO), National Science Foundation (NSF).

ACTION: Notice of Workshop.

SUMMARY: As directed in the recent National Spectrum Strategy, the NITRD Wireless Spectrum R&D Interagency Working Group (WSRD IWG) is working on behalf of the White House Office of Science and Technology Policy (OSTP) to develop the National Spectrum R&D Plan. This workshop is an opportunity for academia, industry, and the public to engage in dialog with the WSRD IWG authors on the potential content of that plan.

DATES: May 17, 2024.

ADDRESSES: The Workshop on the National Spectrum R&D Plan will be co-located with NSF Spectrum Week and will take place on May 17, 2024, from 8:00 a.m. to 3:30 p.m. (ET), at the Hilton Arlington National Landing, 2399 Richmond Hwy., Arlington, VA 22202.

Instructions: Registration is required for in-person attendance; remote viewing will be available via webcast. The agenda, registration link, and webcast information will be available the week of the event at: *https://www.nitrd.gov/wsrd-workshop-on-the-national-spectrum-rd-plan/.*

FOR FURTHER INFORMATION CONTACT: Mallory Hinks at (202) 459–9674 or email *wsrd-workshop-2024@nitrd.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Overview. This notice is issued on behalf of the NITRD WSRD IWG. Agencies of the WSRD IWG are conducting a workshop as a follow-up to the recent Request for Information (RFI) on the National Spectrum Research and Development Plan in which the NITRD NCO sought public input for the creation of the National Spectrum R&D Plan. The R&D Plan will act as an organizing national document, providing guidance for government investments in spectrum-related research and offering valuable insights. The Plan will identify key innovation areas for spectrum research and development and will include a process to refine and enhance these areas on an ongoing basis.

Workshop Objectives. This workshop will provide an opportunity for the RFI respondents and others from academia, industry, and the public to engage in open dialog with the spectrum community and WSRD IWG authors on the potential content of the National Spectrum R&D Plan.

References

National Spectrum Strategy: https://www.ntia.gov/report/2023/national-spectrum-strategy-pdf

RFI on the National Spectrum Research and Development Plan: https://www.federalregister.gov/documents/2024/02/20/2024-03400/request-for-information-on-the-national-spectrum-research-and-development-plan

Submitted by the National Science Foundation in support of the Networking and Information Technology Research and Development (NITRD) National Coordination Office (NCO) on April 12, 2024.

(Authority: 42 U.S.C. 1861.)

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2024–08174 Filed 4–16–24; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2023–0141]

Information Collection: Pre-Application Communication and Scheduling for Licensing Actions Related to Digital Instrumentation and Controls

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 proposed collection of information to the Office of Management and Budget (OMB) for review. The information collection is entitled, ‘‘Pre-Application Communication and Scheduling for Licensing Actions Related to Digital Instrumentation and Controls.’’

DATES: Submit comments by May 17, 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:

301415–2084; email: *Infocollects.Resource@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2023–0141 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–2023–0141.
- *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 supporting statement, Regulatory Issue Summary, and burden table are available in ADAMS under Accession Nos. ML23340A138, ML24061A011, and ML24061A015.
- *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 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 proposed collection of information to OMB for review entitled ''Pre-Application Communication and Scheduling for Licensing Actions Related to Digital Instrumentation and Controls.'' 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 December 5, 2023, 88 FR 84365.

1. *The title of the information collection:* Pre-Application Communication and Scheduling for Licensing Actions Related to Digital Instrumentation and Controls.
2. *OMB approval number:* An OMB control Number has not yet been assigned to this proposed information collection.
3. *Type of submission:* New.
4. *The form number, if applicable:* Not applicable.
5. *How often the collection is required or requested:* Annually, with the addition of voluntary updates as available.
6. *Who will be required or asked to respond:* All holders of operating licenses or combined licenses for nuclear power reactors, except those that have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel or combined license holders that have not received authorization to load nuclear fuel and begin operation.
7. *The estimated number of annual responses:* 4.33.
8. *The estimated number of annual respondents:* 4.33.
9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 867.
10. *Abstract:* Operating reactors in the U.S. want to more efficiently integrate and implement digital upgrades into plant systems to address obsolescence issues with analog components and improve overall plant reliability. The regulatory focus for digital systems is tailored to the unique nature of the digital technologies and uses proposed by licensees and applicants. Depending on the scope of an analog to digital or a digital-to-digital upgrade, the level-of-effort for a requested licensing actions (*e.g.,* license amendment, exemption) can be significantly higher than the level-of-effort expended on a routine requested licensing action. Additionally, a significant portion of the level-of-effort for a digital instrumentation and controls (I&C) review will require specialized digital I&C and human factors engineering skills. To better plan and ensure availability of resources to perform digital I&C reviews, the NRC is seeking scheduling information for licensing submittals from all respondents. This information will allow the NRC to better allocate its resources to support the activities associated with licensing these technologies while being better able to meet the licensee's desired timeline.

Dated: April 12, 2024.

For the Nuclear Regulatory Commission.

David Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2024–08130 Filed 4–16–24; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2023–0118]

Information Collection: Domestic Licensing of Special Nuclear Material

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, ''Domestic Licensing of Special Nuclear Material.''

DATES: Submit comments by May 17, 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–2023–0118 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–2023–0118.
- *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 supporting statement and burden spreadsheet are available in ADAMS under Accession Nos. ML24024A069 and ML24024A068.
- *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 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, ''Domestic Licensing of Special Nuclear Material.'' 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 November 21, 2023, 88 FR 81110.

1. *The title of the information collection:* Domestic Licensing of Special Nuclear Material.
2. *OMB approval number:* 3150–0009.
3. *Type of submission:* Extension.
4. *The form number, if applicable:* Not applicable.
5. *How often the collection is required or requested:* Required reports are collected and evaluated on a continuing basis as events occur. Applications for new licenses and amendments may be submitted at any time. Generally, renewal applications are submitted every 10 years, although the Commission has allowed longer periods for major fuel cycle facilities; updates of the Integrated Safety Analysis Summary are submitted annually.
6. *Who will be required or asked to respond:* Applicants for and holders of specific and general licenses to receive title to, own, acquire, deliver, receive, possess, use, or initially transfer special nuclear material.
7. *The estimated number of annual responses:* 1,036 (494 reporting responses + 240 recordkeepers + 302 third-part disclosure responses).
8. *The estimated number of annual respondents:* 240.
9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 58,814 (53,145 reporting + 5,635 recordkeeping + 34 third-party disclosure).
10. *Abstract:* Part 70 of title 10 of the *Code of Federal Regulations,* ''Domestic Licensing of Special Nuclear Material,'' establishes requirements for licensees to own, acquire, receive, possess, use, and transfer special nuclear material. The information in the applications, reports, and records are used by the NRC to make licensing and or regulatory determinations concerning the use of special nuclear material.

Dated: April 12, 2024.

For the Nuclear Regulatory Commission.

David Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2024–08131 Filed 4–16–24; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2024–0037]

Draft NUREG: Event Report Guidelines

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft report; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment draft NUREG–1022, Revision 3, Supplement 2, ''Event Report Guidelines.'' Draft NUREG–1022, Revision 3, Supplement 2, provides updated guidance for nuclear power

reactor licensees and can be used for evaluating and reporting degraded or unanalyzed conditions as described in those regulations.

DATES: Submit comments by June 17, 2024. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website:

• *Federal rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2024–0037. 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.

• *Mail comments to:* Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Paul LaFlamme, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–1184; email: *Paul.LaFlamme@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2024–0037 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–2024–0037.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.* Draft Supplement 2 of NUREG–1022, Revision 3, is available in ADAMS under Accession No. ML24102A280 and the regulatory analysis is available under ADAMS Accession No. ML24036A110.

• *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.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2024–0037 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Discussion

NUREG–1022, Revision 3, ''Event Reporting Guidelines: 10 CFR 50.72 and 50.73,'' issued January 2013 (ADAMS Accession No. ML13032A220), contains guidelines that the staff of the NRC considers acceptable for use in meeting the reporting requirements in section 50.72 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Immediate notification requirements for operating nuclear power reactors,'' and 10 CFR 50.73, ''Licensee event report system.'' In August 2018, the Nuclear Energy Institute submitted a petition for rulemaking to amend 10 CFR 50.72 (ADAMS Accession No. ML18247A204). In 2021, the Commission directed the NRC staff to pursue the rulemaking (ADAMS Accession No. ML21209A953). As part of this rulemaking effort, the NRC determined that clarifications to the guidance in section 3.2.4, ''Degraded or Unanalyzed Condition,'' of NUREG 1022, Revision 3, could address part of the concerns identified in the petition.

In developing Supplement 2 to NUREG–1022, Revision 3, the NRC evaluated data on submitted and retracted events and held a public meeting on August 9, 2023 (ADAMS Accession No. ML23270B927), to discuss section 3.2.4 of NUREG–1022 with stakeholders. Supplement 2 would provide updated guidance for nuclear power reactor licensees and could be used for evaluating and reporting degraded or unanalyzed conditions as described in10 CFR 50.72(b)(3)(ii) and 10 CFR 50.73(a)(2)(ii). The specific guidance included in Supplement 2, once final, will supersede the guidance found in section 3.2.4 of NUREG–1022, Revision 3.

III. Backfitting, Forward Fitting, and Issue Finality

Issuance of NUREG–1022, Revision 3, Supplement 2, if finalized, would not constitute backfitting as defined in 10 CFR 50.109, ''Backfitting,'' and as described in NRC Management Directive (MD) 8.4, ''Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests''; affect issue finality of any approval issued under 10 CFR part 52, ''Licenses, Certificates, and Approvals for Nuclear Power Plants''; or constitute forward fitting as defined in MD 8.4, because licensees would not be required to comply with the guidance in Supplement 2.

IV. Public Comments

This document requests comments from interested members of the public by June 17, 2024. After evaluating the comments received, the staff will either reconsider the proposed change or announce the availability of the change in a subsequent document published in the **Federal Register** (perhaps with some changes as a result of public comments).

Dated: April 12, 2024.

For the Nuclear Regulatory Commission.

Lisa Regner,

Chief, Generic Communication and Operating Experience Branch, Division of Reactor Oversight, Office of Nuclear Reactor Regulation.

[FR Doc. 2024–08179 Filed 4–16–24; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 72–1048, 50–390, and 50–391; NRC–2024–0064]

Tennessee Valley Authority; Watts Bar Nuclear Plant, Units 1 and 2; Independent Spent Fuel Storage Installation; Environmental Assessment and Finding of No Significant Impact

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an environmental assessment (EA) and a finding of no significant impact (FONSI) for an exemption request submitted by Tennessee Valley Authority (TVA) that would permit Watts Bar Nuclear Plant (WBN) to load five new 37 multi-purpose canisters (MPC) with continuous basket shims (CBS) beginning July 2024 in the HI–STORM Flood/Wind (FW) MPC Storage System at its Watts Bar Units 1 and 2 independent spent fuel storage installation (ISFSI) in a storage condition where the terms, conditions, and specifications in the Certificate of Compliance (CoC) No. 1032, Amendment No. 0, Revision No. 1 are not met.

DATES: The EA and FONSI referenced in this document are available on April 17, 2024.

ADDRESSES: Please refer to Docket ID NRC–2024–0064 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–2024–0064. 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.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* 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: John-Chau Nguyen, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555; telephone: 301–415–0262; email: *John-Chau.Nguyen@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is reviewing an exemption request from TVA, dated February 28, 2024, and supplemented on March 18, 2024. TVA is requesting an exemption, pursuant to section 72.7 of title 10 of the *Code of Federal Regulations* (10 CFR), in paragraphs 72.212(a)(2), 72.212(b)(3), 72.212(b)(5)(i), 72.212(b)(11), and 72.214 that require TVA to comply with the terms, conditions, and specifications of CoC No. 1032, Amendment No. 0, Revision No. 1. If approved, the exemption would allow TVA to load five MPC–37–CBS beginning July 2024 in the HI–STORM FW MPC Storage System at the WBN ISFSI in a storage condition where the terms, conditions, and specifications in CoC No. 1032, Amendment No. 0, Revision No. 1, are not met.

II. Environmental Assessment

Background

WBN is located in Rhea County, Tennessee, on the west bank of the Tennessee River at Tennessee River Mile 528. Unit 1 began operating in 1996 and Unit 2 began operating in 2016. TVA has been storing spent fuel in an ISFSI at WBN under a general license as authorized by 10 CFR part 72, subpart K, ''General License for Storage of Spent Fuel at Power Reactor Sites.'' TVA currently uses the HI–STORM FW MPC Storage System under CoC No. 1032, Amendment No. 0, Revision No. 1 for dry storage of spent nuclear fuel in a specific MPC (*i.e.,* MPC–37) at the WBN ISFSI.

Description of the Proposed Action

The CoC is the NRC approved design for each dry cask storage system. The proposed action would exempt the applicant from the requirements of 10 CFR 72.212(a)(2), 72.212(b)(3), 72.212(b)(5)(i), 72.212(b)(11), and 72.214 only as these requirements pertain to the use of the MPC–37–CBS in the HI–STORM FW MPC Storage System for the near-term planned loading of the systems. The exemption would allow WBN to load five MPC–37–CBS in the HI–STORM FW MPC Storage System at the WBN ISFSI beginning July 2024, despite the MPC–37–CBS in the HI–STORM FW MPC Storage System not being in compliance with the terms, conditions, and specifications in the CoC No. 1032, Amendment No. 0, Revision No. 1.

The HI–STORM FW MPC Storage System CoC provides the requirements, conditions, and operating limits necessary for use of the system to store spent fuel. Holtec International (Holtec), the designer and manufacturer of the HI–STORM FW MPC Storage System, developed a variant of the design with CBS for the MPC–37, known as MPC–37–CBS. Holtec originally implemented the CBS variant design under the provisions of 10 CFR 72.48, which allows licensees to make changes to cask designs without a CoC amendment under certain conditions (listed in 10 CFR 72.48(c)). After evaluating the specific changes to the cask designs, the NRC determined that Holtec erred when it implemented the CBS variant design under 10 CFR 72.48, as this was not the type of change allowed without a CoC amendment. For this reason, the NRC issued three Severity Level IV violations to Holtec. TVA plans to load five MPC–37–CBS in the HI–STORM FW MPC Storage System beginning in July 2024. This exemption considers the near-term planned loading of the five canisters with the CBS variant basket design.

Need for the Proposed Action

TVA requested this exemption in order to allow WBN to load five MPC–37–CBS in HI–STORM FW MPC Storage System at the WBN ISFSI for the future loading campaign scheduled to begin in July 2024. Approval of the exemption request would allow TVA to effectively manage the margin for full core reserve in the WBN spent fuel pool to enable refueling and offloading fuel from the reactor.

Environmental Impacts of the Proposed Action

This EA evaluates the potential environmental impacts of granting an exemption from the terms, conditions, and specifications in CoC No. 1032, Amendment No. 0, Revision No. 1. The exemption would allow five MPC–37–

CBS to be loaded in the HI–STORM FW MPC Storage System in the near-term loading campaign and maintained in storage at the WBN ISFSI.

The potential environmental impacts of storing spent nuclear fuel in NRC-approved storage systems have been documented in previous assessments. On July 18, 1990 (55 FR 29181), the NRC amended 10 CFR part 72 to provide for the storage of spent fuel under a general license in cask designs approved by the NRC. The EA for the 1990 final rule analyzed the potential environmental impacts of using NRC-approved storage casks. The EA for the HI–STORM FW MPC Storage System, CoC No. 1032, Amendment No. 0, Revision No. 1, (80 FR 58195), published in 2015, tiers off of the EA issued for the July 18, 1990, final rule. ''Tiering'' off earlier EAs is a standard process encouraged by the regulations implementing the National Environmental Policy Act of 1969 (NEPA) that entails the use of impact analyses of previous EAs to bound the impacts of a proposed action where appropriate. The Holtec HI–STORM FW MPC Storage System is designed to mitigate the effects of design basis accidents that could occur during storage. Considering the specific design requirements for the accident conditions, the design of the cask would prevent loss of containment, shielding, and criticality control. If there is no loss of containment, shielding, or criticality control, the environmental impacts would not be significant.

The exemptions requested by TVA at the WBN site as they relate to CoC No. 1032, Amendment No. 0, Revision No. 1, for the HI–STORM FW MPC Storage System are limited to the use of the CBS variant basket design only for the near-term planned loading of five canisters utilizing the CBS variant basket design. The staff has determined that this change in the basket would not result in either radiological or non-radiological environmental impacts that significantly differ from the environmental impacts evaluated in the environmental assessment supporting the issuance of CoC No. 1032, Amendment No. 0, Revision No. 1. If the exemption is granted, there would be no significant change in the types or amounts of any effluents released, no significant increase in individual or cumulative public or occupational radiation exposure, and no significant increase in the potential for or consequences from radiological accidents. Accordingly, the Commission concludes that there would be no significant environmental impacts associated with the proposed action.

Alternative to the Proposed Action

The staff considered the no-action alternative. The no-action alternative (denial of the exemption request) would require TVA to keep the spent fuel in the spent fuel pool until older design canisters can be fabricated and delivered to site. Not allowing the planned future loading campaign could affect TVA's ability to manage pool capacity, reactor fuel offloading, and refueling. Any further delay would lead to insufficient space in the spent fuel pool for core offload and the shutdown of WBN Unit 2, which in turn would potentially impact the energy supply in the area. The NRC has determined that these potential impacts of the no-action alternative could be avoided by proceeding with the proposed exemption, especially given that the staff has concluded in NRC's Safety Determination Memorandum, issued with respect to the enforcement action against Holtec regarding these violations, that fuel can be stored safely in the MPC–37–CBS casks.

Agencies Consulted

The NRC provided the Tennessee Department of Environment and Conservation (TDEC) a copy of this draft EA for review by an email dated April 8, 2024. On April 9, 2024, the TDEC provided its concurrence by email.

III. Finding of No Significant Impact

The environmental impacts of the proposed action have been reviewed in accordance with the requirements in 10 CFR part 51, which implement NEPA. Based upon the foregoing environmental assessment, the NRC finds that the proposed action of granting the exemption from the regulations in 10 CFR 72.212(a)(2), 72.212(b)(3), 72.212(b)(5)(i), 72.212(b)(11) and 72.214, which require the licensee to comply with the terms, conditions, and specifications of the CoC, would not significantly impact the quality of the human environment. The exemption in this case would be limited to the specific future loading of five canisters with the CBS variant basket design. Accordingly, the NRC has determined that a finding of no significant impact (FONSI) is appropriate, and an environmental impact statement is not warranted.

IV. Availability of Documents

The documents identified in the following table are available to interested persons through ADAMS, as indicated.

Document description	ADAMS accession No. or **Federal Register** notice
TVA's request for exemption, dated February 28, 2024	ML24059A369.
Supplement to request for exemption, dated March 18, 2024	ML24078A257.
Certificate of Compliance No. 1032, Amendment 0, Revision 1, dated April 25, 2016	ML16112A306 (Package).
Notice of Violation; The U.S. Nuclear Regulatory Commission Inspection Report No. 07201014/2022–201, Holtec International, Inc.—EA–23–044, dated January 30, 2024.	ML24016A190.
10 CFR part 72 amendment to allow spent fuel storage in NRC-approved casks, dated July 18, 1990	55 FR 29181.
EA for part 72 amendment to allow spent fuel storage in NRC-approved casks, dated March 8, 1989	ML051230231.
Final rule for List of Approved Spent Fuel Storage Casks: HI–STORM Flood/Wind Multipurpose Storage System, CoC No. 1032, Amendment 0, Revision 1, dated September 28, 2015.	80 FR 58195.
Safety Determination of a Potential Structural Failure of the Fuel Basket During Accident Conditions for the HI–STORM 100 and HI–STORM Flood/Wind Dry Cask Storage Systems, dated January 31, 2024.	ML24018A085.
NRC email to TDEC requesting review of EA/FONSI for Watts Bar Exemption, dated April 8, 2024	ML24100A840.
TDEC email response regarding review of EA/FONSI for Watts Bar Exemption, dated April 9, 2024	ML24100A839.

Dated: April 12, 2024.

For the Nuclear Regulatory Commission.

Yoira Diaz-Sanabria,

Chief, Storage and Transportation Licensing Branch, Division of Fuel Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2024–08180 Filed 4–16–24; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2024–230; Order No. 7040]

Competitive Product Changes

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is recognizing a recently filed Postal Service document with the Commission concerning changes in classifications of general applicability for competitive products. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* May 9, 2024.

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

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Contents of Filing
III. Commission Action
IV. Ordering Paragraphs

I. Introduction

On April 9, 2024, pursuant to 39 CFR 3035.104, the Postal Service filed notice announcing its intention to remove rates of general applicability for Vendor Assisted Electronic Money Transfers from the International Money Transfer Service (IMTS)—Outbound product under section 2620 of the *Mail Classification Schedule* (MCS), effective July 14, 2024.[1]

II. Contents of Filing

The Postal Service states that the IMTS—Outbound product includes an Electronic Money Transfer service that enables customers to make payments or transfer funds to individuals or firms in foreign destinations. Notice at 2. Currently, Electronic Money Transfers are available through the Sure Money (DineroSeguro) service described in *International Mail Manual* section 372.[2] In July 2022, the Postal Service increased prices for Sure Money (DineroSeguro) by about 305 percent,[3] which led to a significant decline in Sure Money (DineroSeguro) transactions and in turn, a sharp decline in IMTS—Outbound volume between Fiscal Year (FY) 2022 and FY 2023.[4] Notice at 2. Due to this decline, the Postal Service intends to terminate the Sure Money (DineroSeguro) service, and hence the removal of prices for Vendor Assisted Electronic Money Transfers from MCS section 2620. *Id.*

The Postal Service states that the proposed changes would not result in the violation of any provisions of 39 U.S.C. 3633, because these changes represent a major step towards termination of the IMTS—Outbound product, which has been non-compensatory for several years and did not cover its attributable cost in FY 2023.[5] The Postal Service believes that terminating Sure Money (DineroSeguro) would reduce the IMTS—Outbound product's overall losses. Notice at 3. In addition, Sure Money (DineroSeguro) generates only a small amount of revenue in relation to the total revenue for Competitive products. *Id.* For these reasons, terminating Sure Money (DineroSeguro) would not impair the ability of Competitive products to collectively cover an appropriate share of the institutional costs of the Postal Service. *Id.*

The Postal Service further states that the likely impact of the proposed changes on users of the product and on competitors would be limited, because competitors offer international electronic money transfer services for fees that are substantially lower than the fees that the Postal Service charges for Sure Money (DineroSeguro), and the Postal Service's share of the market for services that are similar to Sure Money (DineroSeguro) is very small.[6] In addition, the OIG noted that most purchases of Sure Money (DineroSeguro) occurred in a relatively small number of Post Offices. Notice at 4–5 (citing OIG Sure Money Report at 3–4, 7). The Postal Service states that if it exits from the market, that will leave competitors with opportunities to pick up customers that are currently served by the Postal Service. *Id.* at 5.

With the Notice, the Postal Service attaches the Governors' Decision that establishes the changes and includes a statement of explanation and justification for the changes to the MCS that are the subject of this docket, as well as a certification of the vote. *See* Notice at 1, Attachment 1. The Postal Service also attaches proposed changes to the MCS in legislative format. *See* Notice at 1, Attachment 2.

III. Commission Action

The Commission establishes Docket No. CP2024–230 for consideration of matters raised by the Notice.

The Commission invites comments on whether the Postal Service's filing is consistent with 39 U.S.C. 3632 and 3633 and 39 CFR part 3035. Comments are due no later than May 9, 2024. The public portions of the filing can be accessed via the Commission's website (*http://www.prc.gov*).

The Commission appoints Mallory L. Smith to serve as Public Representative in this docket, pursuant to 39 U.S.C. 505.

IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. CP2024–230 for consideration of matters raised by the Postal Service's Notice.

2. Pursuant to 39 U.S.C. 505, Mallory L. Smith is appointed to serve as an officer of the Commission to represent the interests of the general public in this proceeding (Public Representative).

3. Comments are due no later than May 9, 2024.

[1] United States Postal Service Notice of Changes in Classifications of General Applicability for Competitive Products, April 9, 2024, at 1 (Notice).

[2] *See id.; see also International Mail Manual* section 372, Sure Money (DineroSeguro), available at *https://pe.usps.com/text/imm/immc3_019.htm.*

[3] Docket No. CP2022–62, Order Approving Changes in Rates and Classifications of General Applicability for Competitive Products, June 8, 2022, at 3, 7 (Order No. 6195).

[4] Docket No. ACR2023, United States Postal Service, *Annual Compliance Report,* December 29, 2023, at 104.

[5] *Id.* at 3 (citing Docket No. ACR2023, *Annual Compliance Determination,* March 28, 2024, at 68–69).

[6] Notice at 4 (citing United States Postal Service, Office of Inspector General, Report No. 22–167–R23, Sure Money—International Electronic Money Transfer Service, May 12, 2023, at 5, Table 2, available at *https://www.uspsoig.gov/reports/audit-reports/sure-money-process-and-performance* (OIG Sure Money Report); The World Bank, Remittance Prices Worldwide Quarterly: An Analysis of Trends in Cost of Remittance Services, Issue 47, September 2023, at 11, available at *https://remittanceprices.worldbank.org;* Congressional Research Service, Remittances: Background and Issues for the 118th Congress, Updated May 10, 2023, at PDF page 2 of 16, available at *https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwjjsr21z6GFAxWxrokEHVdTDfsQFnoECDkQAQ&url=https%3A%2F%2Fcrsreports.congress.gov%2Fproduct%2Fpdf%2FR%2FR43217%2F16&usg=AOvVaw3k6EjZpOhN_Gd8a81BjC_3&opi=89978449*).

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Erica A. Barker,

Secretary.

[FR Doc. 2024–08163 Filed 4–16–24; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2024–229 and CP2024–235]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* April 19, 2024.

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

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the Market Dominant or the Competitive product list, or the modification of an existing product currently appearing on the Market Dominant or the Competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern Market Dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern Competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2024–229 and CP2024–235; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 217 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* April 11, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Arif Hafiz; *Comments Due:* April 19, 2024.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2024–08197 Filed 4–16–24; 8:45 am]

BILLING CODE 7710–FW–P

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

POSTAL REGULATORY COMMISSION

[Docket No. MC2024–224; Order No. 7041]

Mail Classification Schedule

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is acknowledging a recent Postal Service filing concerning size limitation changes to the Mail Classification Schedule related to international letter-post rolls and accompanying material changes to product descriptions for certain other products that include international letter-post rolls. This document informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* May 9, 2024.

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

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
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I. Introduction

On April 9, 2024, pursuant to 39 U.S.C. 3682 and 39 CFR 3040.212 and 3040.180, the Postal Service filed a notice of proposed changes in the *Mail Classification Schedule* (MCS) concerning the size limitations for international letter-post rolls for certain products with rates of general applicability, as well as accompanying material changes to product descriptions for certain other products that include international letter-post rolls, effective July 14, 2024.[1]

II. Contents of Filing

Specifically, the Postal Service proposes changes in the minimum size limits for international letter-post rolls for the following products with rates of general applicability in relevant MCS sections:

- 2320.2 International Priority Airmail (IPA)
- 2325.2 International Surface Air Lift (ISAL)
- 2335.2 Outbound Single-Piece First-Class Package International Service (FCPIS)

Id. at 1.

In addition, the Postal Service proposes material changes to product descriptions for the following products with rates not of general applicability

[1] Notice of the United States Postal Service of Changes in Size Limitations and Accompanying Material Changes to Product Descriptions Concerning the Minimum Size Limits for International Letter-Post Rolls, and Notice of Filing Materials Under Seal, April 9, 2024, at 1–2 (Notice).

that include international letter-post rolls in relevant MCS sections:

- 2340.2 Inbound Letter Post Small Packets and Bulky Letters
- 2510.3.2 Global Expedited Package Service (GEPS) Contracts
- 2510.5.2 Global Bulk Economy (GBE) Contracts
- 2510.6.2 Global Plus Contracts
- 2510.7.2 Global Reseller Expedited Package Contracts
- 2510.8.2 Global Expedited Package Services (GEPS)—Non-Published Rates

Id. at 2.

The Postal Service states that the Notice satisfies the requirements set forth in 39 U.S.C. 3682 and 39 CFR 3040.212 and 3040.180. *See id.* at 2–3. First, the Notice is filed at least 30 days prior to the intended effective date of July 14, 2024, in accordance with 39 CFR 3040.180(a). *Id.* at 3. Second, the Postal Service submits Attachment 1 with the Notice, which contains the proposed material changes to the MCS sections listed above in legislative format, in accordance with 39 CFR 3040.180(b)(1). *Id.* Third, the Postal Service provides the following supporting justification in accordance with 39 CFR 3040.180(b)(2). *See id.* at 3–7.

As rationale for the proposed changes, the Postal Service states that the proposed changes would result in the MCS more accurately reflecting the Postal Service's current offerings by aligning the MCS with Universal Postal Union (UPU) Conventions Regulations Article 17–104. *Id.* at 3. The Postal Service explains that in May 2023, the UPU Postal Operations Council adopted new minimum dimensions for international letter-post rolls, and the amended UPU Conventions Regulations Article 17–104 will be effective August 1, 2024. *Id.* at 3–4. The new minimum length will be 8.25 inches instead of 4 inches, and the new minimum length plus twice the diameter will be 12 inches instead of 6.75 inches. *Id.* at 4. The Postal Service submits Attachment 2 with the Notice, which contains Governors' Decision No. 24–1 that establishes the revisions to the minimum size limitations for international letter-post rolls for products with rates of general applicability and includes a statement of explanation and justification for the proposed changes. *Id.* at 4, Attachment 2. The Postal Service also submits Attachment 3 with the Notice, which contains Governors' Decision No. 19–1 that authorizes Postal Service management to propose material changes to product descriptions for products with rates not of general applicability. *Id.* at 4–5, Attachment 3. The Postal Service submits Attachment 4, which is an application for non-public treatment of Governors' Decision No. 19–1. Notice at 5, Attachment 4.

The Postal Service states that although its proposed changes will go into effect a few days before the effective date of the amended UPU Convention Regulations, it does not anticipate this will pose significant operational issues. Notice at 5. In addition, the Postal Service states that allowing the changes proposed in this Notice together with other proposed classification changes in other dockets [2] to take effect on the same day (July 14, 2024) promotes efficiency in changing information technology systems. *Id.* at 2, 5 n.4.

The Postal Service states that the proposed changes would not result in the violation of any provisions of 39 U.S.C. 3633 and 39 CFR part 3035. The Postal Service explains that changes to size limitations for international letter-post rolls for IPA, ISAL, and FCPIS, which are changes in classes of general applicability, are in accordance with 39 CFR 3035.104(a) and (b), because the Notice is filed at least 30 days before the effective date of the changes and the Notice includes an explanation and justification for the changes, the effective date, and the record of proceedings regarding such decision. *Id.* at 5. In addition, the Postal Service states that the changes to size limitations for international letter-post rolls for IPA, ISAL, and FCPIS are not expected to significantly affect the ability of IPA, ISAL, and FCPIS products to cover an appropriate share of their costs, because international letter-post rolls represent only a subset of the revenue for these products and because these changes are not expected to materially affect revenue for these products in any event. *Id.* at 6. The Postal Service states that it does not separately identify international letter-post rolls, therefore data relating to the cost coverage impact of these changes on IPA, ISAL, and FCPIS are not available. *Id.* As a result, the Postal Service is not able to calculate the exact impact of these changes, and does not submit supporting financial workpapers usually included in Competitive price changes for products with rates of general applicability. *Id.*[3] Nevertheless, in its professional judgment, the Postal Service does not believe these changes will have a significant impact on the cost coverage of IPA, ISAL, and FCPIS. Notice at 6. Furthermore, the Postal Service states that the same conclusion also applies to the changes to the products with rates not of general applicability that include international letter-post rolls. *Id.* at 6–7. Finally, the Postal Service states that the proposed changes in the Notice would not impair the ability of Competitive products to collectively cover an appropriate share of the institutional costs, because the effect of the proposed changes on revenue is likely to be small in relation to total Competitive product revenue. *Id.* at 7.

With regard to the likely impact that the proposed changes would have on users of the product and on competitors, the Postal Service states that the proposed changes may result in fewer items being entered as international letter-post rolls due to the increased minimum dimensions, thereby causing some volume to either migrate to larger dimensions or be sent through competitors. *Id.*

III. Commission Action

The Commission establishes Docket No. MC2024–224 for consideration of matters raised by the Notice.

The Commission invites comments on whether the Postal Service's filing is consistent with 39 U.S.C. 3633 and 3682 and 39 CFR 3040.212, 3040.180, and part 3035. Comments are due no later than May 9, 2024. The public portions of the filings can be accessed via the Commission's website (*http://www.prc.gov*).

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[2] Docket No. CP2024–230, United States Postal Service Notice of Changes in Classifications of General Applicability for Competitive Products, April 9, 2024.

[3] The Postal Service acknowledges that ISAL did not cover its costs in FY 2023. *Id.* at 6 n.5 (citing Docket No. ACR2023, United States Postal Service, *Annual Compliance Report,* December 29, 2023, at 100–01). However, the Postal Service explains that this was largely because of accounting adjustments that are the result of settlement processes established with a particular foreign post for prior calendar years. Notice at 6 n.5 (citing Docket No. ACR2023, Responses of the United States Postal Service to Questions 1–26, 28–57, 61 of Chairman's Information Request No. 2, January 19, 2024, questions 29.a.–29.b. (Docket No. ACR2023, Response to CHIR No. 2)). The Postal Service does not anticipate such large accounting adjustments in future years. Notice at 6 n.5 (citing Docket No. ACR2023, Response to CHIR No. 2, question 29.e.). The Commission recognizes that ISAL has generally covered its attributable cost in prior years, and its failure to cover cost in FY 2023 appears to be a unique occurrence that resulted from the large, unexpected accounting adjustments. Notice at 6 n.5 (citing Docket No. ACR2023, *Annual Compliance Determination,* March 28, 2024, at 68 (FY 2023 ACD)). The Commission encourages the Postal Service to monitor the impact of the price increase for ISAL that took effect in January 2024 and to request further price increases as necessary based on its continued assessment of the product's projected cost coverage. Notice at 6 n.5 (citing FY 2023 ACD at 68). The Postal Service states that it will address any cost coverage issues relating to ISAL in future dockets. Notice at 6 n.5.

The Commission appoints Mallory L. Smith to represent the interests of the general public (Public Representative) in this docket, pursuant to 39 U.S.C. 505.

IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. MC2024–224 for consideration of matters raised by the Postal Service's Notice.

2. Pursuant to 39 U.S.C. 505, Mallory L. Smith is appointed to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

3. Comments are due no later than May 9, 2024.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Erica A. Barker,

Secretary.

[FR Doc. 2024–08162 Filed 4–16–24; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Change in Classes of General Applicability for Competitive Products

AGENCY: Postal Service™.

ACTION: Notice of a change in classes of general applicability for competitive products.

SUMMARY: This notice sets forth changes in classes of general applicability for competitive products.

DATES: *Applicable date:* July 14, 2024.

FOR FURTHER INFORMATION CONTACT: Christopher C. Meyerson, 202–268–7820.

SUPPLEMENTARY INFORMATION: On February 8, 2024, pursuant to their authority under 39 U.S.C. 3632 and 3682, the Governors of the Postal Service established classification changes for minimum size limitations for international letter-post rolls in the Mail Classification Schedule. The Governors' Decision and the record of proceedings in connection with such decision are reprinted below in accordance with section 3632(b)(2).

Sarah Sullivan,

Attorney, Ethics and Legal Compliance.

Decision of the Governors of the United States Postal Service on Mail Classification Schedule Changes to Size Limitations for International Letter-Post Rolls (Governors' Decision No. 24–1)

February 8, 2024

Statement of Explanation and Justification

Pursuant to our authority under section 404(b) and Chapter 36 of title 39, United States Code, the Governors establish classification changes to the minimum size limitations for international letter-post rolls.

The Universal Postal Union (UPU) Convention Regulations will be establishing new dimensions for international letter-post rolls (a certain format for outbound and inbound letter-post items). To conform with these dimension requirements, the Postal Service must revise the minimum size limitations for international letter-post rolls in the Mail Classification Schedule, for products with rates of general applicability. We have evaluated the classification changes in this context in accordance with 39 U.S.C. 3632 and 3682. We approve the changes, finding that they are appropriate, and are consistent with the regulatory criteria.

Order

We direct management to file with the Postal Regulatory Commission appropriate notice of these classification changes. The changes in classification set forth herein shall become effective on July 14, 2024.

By The Governors:

/s/

Roman Martinez IV,

Chairman, Board of Governors.

United States Postal Service Office of the Board of Governors

Certification of Governors' Vote on Governors' Decision No. 24–1

Consistent with 39 U.S.C. 3632(a), I hereby certify that, on February 8, 2024, the Governors voted on adopting Governors' Decision No. 24–1, and that a majority of the Governors then holding office voted in favor of that Decision.

February 8. 2024.

/s/

Michael J. Elston,

Secretary of the Board of Governors.

[FR Doc. 2024–08169 Filed 4–16–24; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–563, OMB Control No. 3235–0626]

Submission for OMB Review; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Rule 17g–3—Annual financial and other reports to be filed or furnished by nationally recognized statistical rating organizations.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''PRA''), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit an extension for this current collection of information to the Office of Management and Budget for approval.

Rule 17g–3 (17 CFR 240.17g–3) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) contains certain reporting requirements for nationally recognized statistical rating organizations (''NRSROs''). Specifically, NRSROs are required to file with the Commission, on an annual basis, financial reports containing specified financial statements, certain financial condition reports, and a report on the internal control structure. NRSROs are also required to furnish a report of the number of credit rating actions taken during the most recently completed fiscal year.

Currently, there are 10 credit rating agencies registered as NRSROs with the Commission. Based on staff experience, the Commission estimates that the total burden for NRSROs to comply with Rule 17g–3 is 3,650 hours. In addition, the Commission estimates an industry-wide annual external cost to NRSROs of $350,000 to comply with Rule 17g–3, reflecting costs to engage the services of independent public accountants and outside counsel.

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 within 30 days of publication of this

notice by May 17, 2024 to (i) *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* 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: April 11, 2024.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2024–08096 Filed 4–16–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–99946; File No. SR–ISE–2024–06]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Order Approving a Proposed Rule Change To Amend the Short Term Option Series Program

April 11, 2024.

I. Introduction

On February 15, 2024, Nasdaq ISE, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend Supplementary Material .03 of Options 4, Section 5, ''Series of Options Contracts Open for Trading'' to allow Tuesday and Thursday expirations for options listed pursuant to the Exchange's short term option series program (''Short Term Option Series Program'') on the iShares Russell 2000 ETF (''IWM''). The proposed rule change was published for comment in the **Federal Register** on March 1, 2024.[3] The Commission did not receive any comments on the proposal. This order approves the proposed rule change.

II. Description of the Proposal[4]

Currently, the Exchange may open for trading series of options on certain symbols that expire at the close of business on each of the next two Mondays, Tuesdays, Wednesdays, and Thursdays, respectively, that are business days beyond the current week and are not business days in which standard expiration options series, Monthly Options Series, or Quarterly Options Series expire (''Short Term Option Daily Expirations'').[5] Table 1 in Supplementary Material .03 to Options 4, Section 5 specifies each symbol that qualifies as a Short Term Option Daily Expiration as well as the permitted expiration days.[6] Today, the Exchange may list no more than a total of two Monday and Wednesday expirations on IWM and no more than a total of two Monday, Tuesday, Wednesday, and Thursday expirations on the SPDR S&P 500 ETF Trust (''SPY'') and the Invesco QQQ Trust (''QQQ'').[7]

The Exchange proposes to expand the Short Term Option Series Program to permit the Exchange to open for trading on any Monday or Tuesday that is a business day series of options on IWM that expire at the close of business on each of the next two Tuesdays beyond the current week that are business days and are not business days in which standard expiration options series, Monthly Options Series, or Quarterly Options Series expire (''Tuesday Expirations''). If the Tuesday Expiration falls on a Tuesday that is not a business day, the series shall expire on the first business day immediately prior to that Tuesday.[8] Similarly, the proposal would permit the Exchange to open for trading on any Wednesday or Thursday that is a business day series of options on IWM that expire at the close of business on each of the next two Thursdays beyond the current week that are business days and are not business days in which standard expiration options series, Monthly Options Series, or Quarterly Options Series expire (''Thursday Expirations''). If the Thursday Expiration falls on a Thursday that is not a business day, the series shall expire on the first business day immediately prior to that Thursday. The listing and trading of Tuesday and Thursday Expirations would be subject to Supplementary Material .03 of Options 4, Section 5.[9]

The Exchange does not believe that any market disruptions would be encountered with the introduction of Tuesday and Thursday Expirations.[10] The Exchange states there are no material differences in the treatment of Tuesday and Thursday SPY and QQQ Short Term Daily Expirations as compared to the proposed Tuesday and Thursday Expirations.[11] The Exchange believes that it has the necessary capacity and surveillance programs in place to support and properly monitor trading in the proposed Tuesday and Thursday Expirations.[12] The Exchange currently trades Short Term Option Series that expire Monday and Wednesday for SPY, QQQ, and IWM and stated that it has not experienced any market disruptions nor issues with capacity.[13]

III. Discussion and Commission's Findings

The Commission has carefully reviewed the proposed rule change and finds that it is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6(b) of the Act.[14] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[15] which requires, among other things, that the Exchange's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Commission believes that the proposed rule change is reasonably designed as a limited expansion of the Short Term Options Series Program and may provide the investing public and other market participants more flexibility to closely tailor their investment and hedging decisions in IWM options, thus allowing them to better manage their risk exposure. In addition, the Exchange has similar rules permitting the listing and trading of Tuesday and Thursday expirations on SPY and QQQ.[16]

In approving the proposal, the Commission notes that the Exchange

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Release No. 99604 (February 26, 2024), 89 FR 15235 (''Notice'').

[4] For a full description of the proposal, refer to the Notice, *supra* note 3.

[5] *See* Supplementary .03 to Options 4, Section 5.

[6] *See* Table 1, Supplementary .03 to Options 4, Section 5.

[7] *See id.*

[8] The Exchange proposes to amend the Tuesday and Thursday expirations for IWM in Table 1 in Supplementary Material .03 to Options 4, Section 5 from ''0'' to ''2'' to permit Tuesday and Thursday expirations for options on IWM listed pursuant to the Short Term Option Series.

[9] *See* Notice, *supra* note 3 at 15236.

[10] *See* Notice, *supra* note 3 at 15237.

[11] *See* Notice, *supra* note 3 at 15239. In addition, the Exchange states Cboe Exchange, Inc. began listing Tuesday and Thursday expirations in the Russell 2000 Index Weeklys and Mini-Russell 2000 Index Weeklys on January 8, 2024. *See* Notice, *supra* note 3 at 15236.

[12] *See* Notice, *supra* note 3 at 15237.

[13] *See id.*

[14] 15 U.S.C. 78f. In approving this proposed rule change, the Commission has considered the proposed rule change's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[15] 15 U.S.C. 78f(b)(5).

[16] *See* Supplementary .03 to Options 4, Section 5. *See also* Securities Exchange Release No. 96281 (November 9, 2022), 87 FR 68769 (November 16, 2022) (order approving Tuesday and Thursday expirations on SPY and QQQ).

has represented that it has an adequate surveillance program in place to detect manipulative trading in Tuesday IWM Expirations and Thursday IWM Expirations.[17] The Exchange further states that it has the necessary systems capacity to support the new options series.[18] The Exchange also states that it has not experienced any market disruptions nor issues with capacity with trading Short Term Option Series that expire on Tuesdays and Thursdays for SPY and QQQ.[19]

Accordingly, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act[20] and the rules and regulations thereunder applicable to a national securities exchange.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[21] that the proposed rule change (SR–ISE–2024–06) be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Vanessa A. Countryman,

Secretary.

[FR Doc. 2024–08092 Filed 4–16–24; 8:45 am]

BILLING CODE 8011–01–P

[17] *See* Notice, *supra* note 3 at 15239.

[18] *See id.*

[19] *See* Notice, *supra* note 3 at 15237.

[20] 15 U.S.C. 78f(b)(5).

[21] 15 U.S.C. 78s(b)(2).

[22] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–613, OMB Control No. 3235–0712]

Proposed Collection; Comment Request; Extension: Credit Risk Retention—Regulation RR

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Credit Risk Retention (''Regulation RR'') (17 CFR 246.1 through 246.22) recordkeeping and disclosure requirements implement Section 15G of the Securities Exchange Act of 1934 (15 U.S.C. 78o–11) Section 15G clarifies the scope and application of Section 306(a) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7244(a)). Section 306(a) of the Sarbanes-Oxley Act requires, among other things, an issuer to provide timely notice to its directors and executive officers and to the Commission of the imposition of a blackout period that would trigger a trading prohibition under Section 306(a)(1) of the Sarbanes-Oxley Act. Section 306(a)(1) prohibits any director or executive officer of an issuer of any equity security, from directly or indirectly, purchasing, selling, or otherwise acquiring or transferring any equity security of that issuer during the blackout period with respect to such equity security if the director or executive officer acquired the equity security in connection with his or her service or employment. Approximately 1,647 issuers file using Regulation RR responses and it takes approximately 14.389 hours per response. We estimate that 75% of the 14.389 hours per response (10.792 per response hours) is prepared by the registrant for a total annual reporting burden of 17,774 hours (10.792 hours per response × 1,647 responses).

Written comments are invited on: (a) whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication by June 17, 2024.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct your written comment to David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: April 11, 2024.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2024–08097 Filed 4–16–24; 8:45 am]

BILLING CODE 8011–01–P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA 2024–0008]

Notice of Subscription Tier Structure Change for Our Electronic Consent Based Social Security Number Verification Service

AGENCY: Social Security Administration.

ACTION: Notice of subscription tier structure change.

SUMMARY: The Social Security Administration (SSA) is announcing a revision in the upper transactions limit to the upper subscription tier for the electronic Consent Based Social Security Number (SSN) Verification (eCBSV) service. In accordance with statutory requirements, a permitted entity (PE) is required to provide payment to reimburse SSA for the development and support of the eCBSV system.

DATES: *Applicability date for subscription tier structure change:* The revised subscription tier structure will go into effect for subscription payments made on or after April 22, 2024.

SUPPLEMENTARY INFORMATION: Section 215 of the Economic Growth, Regulatory Relief, and Consumer Protection Act[1] (the Banking Bill) directed SSA to modify or develop a database for accepting and comparing fraud protection data[2] provided electronically by a PE.[3] In response to this statutory directive, SSA created eCBSV, a fee-based SSN verification service. eCBSV allows PEs to submit, based on the number holder's consent,[4] the SSN,

[1] Public Law 115–174, codified at 42 U.S.C. 405b.

[2] The Banking Bill defines ''Fraud Protection Data'' to mean a combination of an individual's name (including the first name and any family forename or surname), SSN, and date of birth (including month, day, and year). Public Law 115–174, title II, 215(b)(3), codified at 42 U.S.C. 405b(b)(3).

[3] The Banking Bill defines a ''permitted entity'' to mean a financial institution or service provider, subsidiary, affiliate, agent, subcontractor, or assignee of a financial institution. Public Law 115–174, title II, 215(b)(4), codified at 42 U.S.C. 405b(b)(4). They must possess an Employer Identification Number and a Dun and Bradstreet number.

[4] Under the eCBSV User Agreement, valid Written Consent must meet the requirements of applicable Federal law, SSA's regulations, and section IV of the eCBSV User Agreement. Valid Written consent must include a wet or electronic signature. Section IV A.1. eCBSV User Agreement. Electronic signatures must meet the definition in section 106

name, and date of birth of the number holder in connection with a credit transaction or a circumstance described in section 604 of the Fair Credit Reporting Act to SSA for verification via an application programming interface. Each PE must submit a certification statement [5] that the PE is in compliance with the Banking Bill as part of their application to SSA.

SSA revised the subscription tier structure for eCBSV in 2023.[6] Based on feedback from PEs, we are increasing the upper limit on Tier 10 transactions from 75 million to 200 million transactions. All fees and other subscription tiers remain unchanged.

Fees

The public cost burden is dependent upon the number of PEs using the service and the annual transaction volume. We based the revised tier fee schedule below on 20 participating PEs in fiscal year (FY) 2024 submitting an anticipated volume of 52 million transactions. The total cost for developing and operating the service is $62 million through FY 2023. Of this amount, $37 million remains unrecovered/unreimbursed. The subscription tier structure and associated fees are intended to recover these costs over a four-year period, assuming projected enrollments and transaction volumes meet these projections.

eCBSV TIER FEE SCHEDULE

Tier	Annual volume threshold	Annual fee
1	Up to 10,000 (1–10,000)	$7,000
2	Up to 200,000 (10,001–200,000)	130,000
3	Up to 1 million (200,001–1 million)	630,000
4	Up to 2.5 million (1,000,001–2.5 million)	1,500,000
5	Up to 5 million (2,500,001–5 million)	3,000,000
6	Up to 10 million (5,000,001–10 million)	4,500,000
7	Up to 15 million (10,000,001–15 million)	5,000,000
8	Up to 20 million (15,000,001–20 million)	6,250,000
9	Up to 25 million (20,000,001–25 million)	7,250,000
10	Up to 200 million (25,000,001–200 million)	8,250,000

Each enrolled PE will be required to remit the above tier-based subscription fee for the 365-day agreement period starting on or after April 22, 2024.

Fees are calculated based on forecasted systems and operational expenses, agency oversight, overhead, and Certified Public Accountant audit contract costs.

Section 215(h)(1)(B) of the Banking Bill, 42 U.S.C. 405b(h), requires that the Commissioner shall ''periodically adjust'' the price paid by users to ensure that amounts collected are sufficient to fully offset the costs of administering the eCBSV system. On at least an annual basis, SSA will monitor costs incurred to provide eCBSV services and will revise the tier fee schedule accordingly. We will notify PEs of the tier fee schedule in effect at the renewal of eCBSV user agreements, when a PE begins a new 365-day agreement period, and via notice in the **Federal Register**. PE renewals will be governed by the tier in effect at the time of renewal.

For further information contact Christopher David, Office of Data Exchange, Policy Publications, and International Negotiations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235–6401, (866) 395–8801, email *eCBSV@ssa.gov.* For information on eligibility or filing for benefits, call SSA's national toll-free number, 1–800–772–1213 or TTY 1–800–325–0778, or visit SSA's internet site, Social Security Online, at *https://www.socialsecurity.gov.*

Chad Poist,

Deputy Commissioner, Office of Budget, Finance, and Management, Social Security Administration.

[FR Doc. 2024–08152 Filed 4–16–24; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Launch of a Reentry Vehicle as a Payload That Requires a Reentry Authorization To Return to Earth

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This action provides notice that in general, the FAA will not authorize launch of a reentry vehicle as a payload that will require a reentry authorization to return to Earth unless the reentry vehicle operator has obtained the appropriate reentry authorization.

DATES: Applicable April 17, 2024.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Earle, Manager, Space Policy and Outreach Branch, (202) 267–8379.

SUPPLEMENTARY INFORMATION:

I. Background

The Commercial Space Launch Act of 1984, as codified and amended at 51 U.S.C.—Commercial Space Transportation, chapter 509, Commercial Space Launch Activities, 51 U.S.C. 50901–50923 (the Act), authorizes the DOT and the FAA, through delegations, to oversee, license, and regulate commercial launch and reentry activities, and the operation of launch and reentry sites as carried out by United States (U.S.) citizens or within the U.S. Consistent with the authority conferred under 51 U.S.C. chapter 509, the FAA reviews payloads to be launched or reentered under an FAA license to determine the effect of the payload's launch or reentry on public health and safety, safety of property, U.S. national security or

of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7006). 42 U.S.C. 405b(f)(2); section IV. E. eCBSV User Agreement. The written consent must clearly specify to whom the information may be disclosed, the information you want us to disclose (*e.g.,* SSN verification) and, where applicable, during which timeframe the information may be disclosed (*e.g.,* whenever the subject individual is receiving specific services). 20 CFR 401.100.

[5] The permitted entity must certify that (1) the entity is a permitted entity; (2) the entity is in compliance with section 215; (3) the entity is, and will remain, in compliance with its privacy and data security requirements in title V of 15 U.S.C. 6801, *et seq.,* with respect to the information the entity receives from the Commissioner of Social Security pursuant to this section; and (4) the entity will retain sufficient records to demonstrate its compliance with its certification and section 215 for a period of not less than 2 years. 42 U.S.C. 405b(e)(1)–(3).

[6] 88 FR 29959 (May 9, 2023).

foreign policy interests, or international obligations of the United States. Applicants seeking a vehicle operator license under 14 CFR part 450 must receive a favorable payload determination under § 450.43 if they propose to carry a payload on their vehicle. Operators seeking to launch or reenter a payload under a legacy license [1] (14 CFR part 415, 417, 431, or 435) must receive a favorable payload determination under subpart D of part 415 or 431.

Restrictions on launches, operations, and reentries include the following under 51 U.S.C. 50904:

Launch and Reentry License Requirements

- A person or citizen of the United States must obtain a license from the FAA to launch a launch vehicle or to reenter a reentry vehicle in the United States or anywhere in the world, respectively. 51 U.S.C. 50904(a).

Compliance With Payload Requirements

- The holder of a license or permit under this chapter may launch or reenter a payload only if the payload complies with all requirements of the laws of the United States related to launching or reentering a payload. 51 U.S.C. 50904(b).

Preventing Launches and Reentries

- The Secretary of Transportation shall establish whether all required licenses, authorizations, and permits required for a payload have been obtained. If no license, authorization, or permit is required, the Secretary may prevent the launch or reentry if the Secretary decides the launch or reentry would jeopardize the public health and safety, safety of property, or national security or foreign policy interest of the United States. 51 U.S.C. 50904(c).

The FAA's payload review and determination regulations are consistent with the statutory requirements.

II. Payload Review and Determination

A payload means an object that a person undertakes to place in outer space such as in Earth orbit by means of a launch vehicle, including components of the vehicle specifically designed or adapted for that object. 14 CFR 401.7. Applicants seeking a vehicle operator license under 14 CFR part 450 must receive a favorable payload determination in accordance with § 450.43 if they propose to carry a payload on their vehicle.[2] In accordance with § 450.43(a)(1) and (a)(2),[3] the FAA issues a favorable payload determination for a launch or reentry to a license applicant or payload owner or operator if—

(1) The applicant, payload owner, or payload operator has obtained all required licenses, authorizations, and permits; and

(2) Its launch or reentry would not jeopardize public health and safety, safety of property, U.S. national security or foreign policy interests, or international obligations of the United States.[4]

The FAA's regulatory criteria for issuing a favorable payload determination or denying a payload determination per § 450.43(g) is consistent with 51 U.S.C. 50904(b) and (c). It therefore follows that denial of a payload determination may be tied to a payload owner or operator not obtaining all required licenses or authorizations, which then leads to potential safety concerns as discussed further below.

III. Payload Owner or Payload Operator Has Not Obtained all Required Licenses or Authorizations

A reentry vehicle may be launched as a payload and return to Earth as a reentry vehicle with the appropriate reentry authorization. A reentry vehicle means a vehicle designed to return from Earth orbit or outer space to Earth substantially intact. 14 CFR 401.7. For the launch phase, the reentry vehicle is also a payload being transported or carried aloft by the launch vehicle. For the reentry phase, it is a reentry vehicle designed to return purposefully to Earth substantially intact under the appropriate reentry authorization. To reenter a reentry vehicle, an operator must obtain a vehicle operator license in accordance with part 450 or a reentry license in accordance with part 435. Therefore, an applicant, payload owner, or payload operator of a reentry vehicle that will be launched as a payload and will return to Earth must satisfy both the payload review requirements in 14 CFR 450.43 for the launch phase and the reentry requirements in part 450 or part 435 for the reentry phase. An applicant, payload owner, or payload operator would not meet § 450.43(a)(1) for such a payload if they have not received the authorization or FAA license necessary to conduct its reentry. The FAA discusses the safety reasons for requiring a reentry authorization for such a payload in the following section.

IV. Concerns Associated With Launch of a Reentry Vehicle Without Reentry Authorization

1. *Substantially Intact:* Unlike typical payloads designed to operate in outer space, a reentry vehicle has primary components that are designed to withstand reentry substantially intact and therefore have a near-guaranteed ground impact as a result of either a controlled reentry or a random reentry.

2. *Public Risk:* During controlled reentry, under an FAA license, the risk to the public is established not to exceed a one in ten thousand expected casualty in accordance with § 450.101(b)(1)(i). Although the FAA does not currently regulate uncontrolled random atmospheric reentries, the standard U.S. and international risk standard for that activity is also one in ten thousand expected casualties. Risk of an authorized controlled reentry of a reentry vehicle is typically managed through appropriate reentry site selection and hazard area clearing procedures. A random reentry results in risks to populated and remote areas, yet it does not afford for any hazard area clearing such as for airspace. Therefore, a random reentry of a reentry vehicle that has not been authorized will likely result in risks above those accepted for FAA licensed-reentry operations.

3. *Limited Options:* Once a reentry vehicle has been launched, there are limited options for the safe reentry of the vehicle because it is already in orbit and may be constrained by orbital lifetime, reliability of safety critical systems, orbital decay, available propellant or power, or other factors. Options to modify the reentry (*e.g.,* move the landing or impact location, change the deorbit trajectory, move the vehicle to a disposal orbit) may also be limited once in orbit. Placing a reentry vehicle in a disposal orbit above 2000 km will not likely be feasible because it may be cost prohibitive, or the vehicle may not have sufficient propellant to raise its orbit. Even if possible, this would add to the debris environment.

[1] The FAA refers to licenses issued under these parts as "legacy licenses," as they will be removed from the CFR on March 10, 2026. After that time, all operators must demonstrate compliance with part 450. See 85 FR 79566.

[2] Applicants operating under the legacy requirements must receive a favorable payload determination in accordance with 14 CFR part 415 subpart D.

[3] These requirements are mirrored in 14 CFR 415.51 and 415.61 of the legacy requirements.

[4] While the FAA would review all payloads to determine their effect on the safety of launch, the FAA per § 450.43(b) will not make a determination on those aspects of payloads that are subject to regulation by the Federal Communications Commission (FCC) or the Department of Commerce or on payloads owned or operated by the U.S. Government. Furthermore, in accordance with § 450.43(c), the FAA may review and issue findings regarding a proposed class of payload. However, prior to a launch, each payload is subject to verification by the FAA that its launch would not jeopardize public health and safety, safety of property, U.S. national security or foreign policy interests, or international obligations of the United States.

Therefore, it is crucial to evaluate the safety of the reentry prior to launch. This way, the FAA is able to work with the reentry operator to meet the required risk and other criteria.

4. *Payload Review:* A payload review for the launch of a launch vehicle carrying a reentry vehicle would include verifying that the reentry vehicle operator has obtained the necessary reentry license or authorization. If reentry authorization has not been received at the time of launch of the reentry vehicle, the FAA would deny a favorable payload determination in accordance with 14 CFR 450.43(g).

Conclusion

In general, the FAA will not authorize launch of a reentry vehicle unless the appropriate reentry authorization has been obtained by the reentry vehicle operator, in accordance with the FAA's statutory authority and payload review and determination regulations where denial of a payload determination may be tied to a payload owner or operator not obtaining all required licenses or authorizations in accordance with § 450.43(a)(1). Launch of a reentry vehicle without an authorization for reentry would pose safety concerns that are designed to be addressed by the reentry licensing process.

James A. Hatt,

Space Policy Division Manager, Office of Commercial Space Transportation.

[FR Doc. 2024–08156 Filed 4–16–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2024–0019]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 14 individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to control a commercial motor vehicle (CMV) to drive in interstate commerce. If granted, the exemptions would enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

DATES: Comments must be received on or before May 17, 2024.

ADDRESSES: You may submit comments identified by the Federal Docket Management System Docket No. FMCSA–2024–0019 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov/,* insert the docket number (FMCSA–2024–0019) in the keyword box and click ''Search.'' Next, choose the only notice listed, and click on the ''Comment'' button. Follow the online instructions for submitting comments.
- *Mail:* Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal Holidays.
- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, (202) 366–4001, *fmcsamedical@dot.gov.* Office hours are 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–2024–0019), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *https://www.regulations.gov/docket/FMCSA-2024-0019.* Next, choose the only notice listed, click the ''Comment'' button, and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. FMCSA will consider all comments and material received during the comment period.

B. Viewing Comments

To view comments go to *www.regulations.gov.* Insert the docket number (FMCSA–2024–0019) in the keyword box and click ''Search.'' Next, choose the only notice listed, and click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

C. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. DOT posts 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 14 (Federal Docket Management System), which can be reviewed at *https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices,* the comments are searchable by the name of the submitter.

II. Background

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statutes also allow the Agency to renew exemptions at the end of the 5-year period. FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum

duration of a driver's medical certification.

The 14 individuals listed in this notice have requested an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding epilepsy found in § 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria [1] to assist medical examiners (MEs) in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce.

The criteria states that if an individual has had a sudden episode of a non-epileptic seizure or loss of consciousness of unknown cause that did not require anti-seizure medication, the decision whether that person's condition is likely to cause the loss of consciousness or loss of ability to control a CMV should be made on an individual basis by the ME in consultation with the treating physician. Before certification is considered, it is suggested that a 6-month waiting period elapse from the time of the episode. Following the waiting period, it is suggested that the individual have a complete neurological examination. If the results of the examination are negative and anti-seizure medication is not required, then the driver may be qualified.

In those individual cases where a driver has had a seizure or an episode of loss of consciousness that resulted from a known medical condition (*e.g.,* drug reaction, high temperature, acute infectious disease, dehydration, or acute metabolic disturbance), certification should be deferred until the driver has recovered fully from that condition, has no existing residual complications, and is not taking anti-seizure medication.

Drivers who have a history of epilepsy/seizures, off anti-seizure medication, and seizure-free for 10 years, may be qualified to operate a CMV in interstate commerce. Interstate drivers with a history of a single unprovoked seizure may be qualified to drive a CMV in interstate commerce if seizure-free and off anti-seizure medication for a 5-year period or more.

As a result of MEs misinterpreting advisory criteria as regulation, numerous drivers have been prohibited from operating a CMV in interstate commerce based on the fact that they have had one or more seizures and are taking anti-seizure medication, rather than an individual analysis of their circumstances by a qualified ME based on the physical qualification standards and medical best practices.

On January 15, 2013, FMCSA announced in a notice of final disposition titled, ''Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders,'' (78 FR 3069), its decision to grant requests from 22 individuals for exemptions from the regulatory requirement that interstate CMV drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' Since that time, the Agency has published additional notices granting requests from individuals for exemptions from the regulatory requirement regarding epilepsy found in § 391.41(b)(8).

To be considered for an exemption from the epilepsy and seizure disorders prohibition in § 391.41(b)(8), applicants must meet the criteria in the 2007 recommendations of the Agency's Medical Expert Panel (78 FR 3069).

III. Qualifications of Applicants

Kodi Bull

Kodi Bull is a 21-year-old class D license holder in Wisconsin. They have a history of benign rolandic epilepsy and have been seizure free since 2016. They take anti-seizure medication with the dosage and frequency remaining the same since 2016. Their physician states that they are supportive of Kodi Bull receiving an exemption.

Dean Burkholder

Dean Burkholder is a 47-year-old class AM commercial driver's license (CDL) holder in Pennsylvania. They have a history of seizure disorder and have been seizure free for over 10 years. They take anti-seizure medication with the dosage and frequency remaining the same for over 7 years. Their physician states that they are supportive of Dean Burkholder receiving an exemption.

Daniel Einstein

Daniel Einstein is a 26-year-old class A CDL holder in Indiana. They had a single provoked seizure and have been seizure free since 2022. They have never taken anti-seizure medication. Their physician states that they are supportive of Daniel Einstein receiving an exemption.

Adam Herr

Adam Herr is a 27-year-old class DM license holder in New York. They have a history of benign rolandic epilepsy and have been seizure free since 2005. They take anti-seizure medication with the dosage and frequency remaining the same since July 2011. Their physician states that they are supportive of Adam Herr receiving an exemption.

Ryan Jackson

Ryan Jackson is a 25-year-old class A CDL holder in North Carolina. They have a history of seizures and have been seizure free since 2012. They take anti-seizure medication with the dosage and frequency remaining the same since 2016. Their physician states that they are supportive of Ryan Jackson receiving an exemption.

Bradley Kurtz

Bradley Kurtz is a 26-year-old class D, M2 license holder in Virginia. They have a history of juvenile myoclonic epilepsy and have been seizure free since August 2015. They take anti-seizure medication with the dosage and frequency remaining the same since October 2018. Their physician states that they are supportive of Bradley Kurtz receiving an exemption.

David Layfield

David Layfield is a 52-year-old class A CDL holder in Georgia. They have a history of seizure disorder and have been seizure free since June 2000. They take anti-seizure medication with the dosage and frequency remaining the same since 2001. Their physician states that they are supportive of David Layfield receiving an exemption.

Chad Redenius

Chad Redenius is a 32-year-old class E license holder in Florida. They have a history of juvenile myoclonic epilepsy and have been seizure free since April 2011. They take anti-seizure medication with the dosage and frequency remaining the same since August 2015. Their physician states that they are supportive of Chad Redenius receiving an exemption.

[1] These criteria may be found in APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. *Epilepsy:* § 391.41(b)(8), paragraphs 3, 4, and 5, which is available on the internet at *https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf.*

Greg Reninger

Greg Reninger is a 40-year-old class C license holder in Illinois. They have a history of epilepsy and have been seizure free since January 8, 2016. They take anti-seizure medication with the dosage and frequency remaining the same since February 2014. Their physician states that they are supportive of Greg Reninger receiving an exemption.

Martin Sena

Martin Sena is a 39-year-old class D license holder in New Mexico. They have a history of seizure disorder and have been seizure free since 2006. They take anti-seizure medication with the dosage and frequency remaining the same since 2006. Their physician states that they are supportive of Martin Sena receiving an exemption.

Nicholas Steele

Nicholas Steele is a 37-year-old class DM license holder in Tennessee. They have a history of nocturnalized generalized tonic clonic seizures and have been seizure free since 2009. They take anti-seizure medication with the dosage and frequency remaining the same since 2009. Their physician states that they are supportive of Nicholas Steele receiving an exemption.

Tyler Stull

Tyler Stull is a 26-year-old class AM CDL holder in Pennsylvania. They have a history of juvenile myoclonic epilepsy and have been seizure free since 2014. They take anti-seizure medication with the dosage and frequency remaining the same since 2014. Their physician states that they are supportive of Tyler Stull receiving an exemption.

April Wacaster

April Wacaster is a 60-year-old class D license holder in Alabama. They had a single provoked seizure and have been seizure free since 2005. They have never taken anti-seizure medication. Their physician states that they are supportive of April Wacaster receiving an exemption.

Paul Wheeler

Paul Wheeler is a 35-year-old class none license holder in Indiana. They have a history of epilepsy and have been seizure free since 2001. They take anti-seizure medication with the dosage and frequency remaining the same since November 2016. Their physician states that they are supportive of Paul Wheeler receiving an exemption.

IV. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315(b), FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated under the **DATES** section of the notice.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2024–08120 Filed 4–16–24; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2023–0256]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 11 individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have ‘‘no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.’’ The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

DATES: The exemptions are applicable on April 15, 2024. The exemptions expire on April 15, 2026.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, (202) 366–4001, *fmcsamedical@dot.gov*. Office hours are from 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Comments

To view comments go to *www.regulations.gov*. Insert the docket number, (FMCSA–2023–0256) in the keyword box and click ‘‘Search.’’ Next, sort the results by ‘‘Posted (Older-Newer),’’ choose the first notice listed, and click ‘‘Browse Comments.’’ If you do not have access to the internet, you may view the docket online by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

B. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption requests. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov*. As described in the system of records notice DOT/ALL 14 (Federal Docket Management System), which can be reviewed at *https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices,* the comments are searchable by the name of the submitter.

II. Background

On February 19, 2024, FMCSA published a notice announcing receipt of applications from 11 individuals requesting an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) and requested comments from the public (89 FR 12942). The public comment period ended on March 21, 2024, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting exemptions to these individuals would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(8).

The physical qualification standard for drivers regarding epilepsy found in § 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria [1] to assist medical examiners (MEs) in determining whether drivers with

[1] These criteria may be found in APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. Epilepsy: § 391.41(b)(8), paragraphs 3, 4, and 5, which is available on the internet at *https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf.*

certain medical conditions are qualified to operate a CMV in interstate commerce.

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statutes allow the Agency to renew exemptions at the end of the 5-year period. However, FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The Agency's decision regarding these exemption applications is based on the 2007 recommendations of the Agency's Medical Expert Panel. The Agency conducted an individualized assessment of each applicant's medical information, including the root cause of the respective seizure(s) and medical information about the applicant's seizure history, the length of time that has elapsed since the individual's last seizure, the stability of each individual's treatment regimen and the duration of time on or off of anti-seizure medication. In addition, the Agency reviewed the treating clinician's medical opinion related to the ability of the driver to safely operate a CMV with a history of seizure and each applicant's driving record found in the Commercial Driver's License Information System for commercial driver's license (CDL) holders, and interstate and intrastate inspections recorded in the Motor Carrier Management Information System. For non-CDL holders, the Agency reviewed the driving records from the State Driver's Licensing Agency. A summary of each applicant's seizure history was discussed in the February 19, 2024, **Federal Register** notice (89 FR 12942) and will not be repeated in this notice.

These 11 applicants have been seizure-free over a range of 41 years while taking anti-seizure medication and maintained a stable medication treatment regimen for the last 2 years. In each case, the applicant's treating physician verified his or her seizure history and supports the ability to drive commercially.

The Agency acknowledges the potential consequences of a driver experiencing a seizure while operating a CMV. However, the Agency believes the drivers granted this exemption have demonstrated that they are unlikely to have a seizure and their medical condition does not pose a risk to public safety.

Consequently, FMCSA finds further that in each case exempting these applicants from the epilepsy and seizure disorder prohibition in § 391.41(b)(8) would likely achieve a level of safety equal to that existing without the exemption, consistent with the applicable standard in 49 U.S.C. 31315(b)(1).

V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and include the following: (1) each driver must remain seizure-free and maintain a stable treatment during the 2-year exemption period; (2) each driver must submit annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) each driver must undergo an annual medical examination by a certified ME, as defined by § 390.5T; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy of his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based upon its evaluation of the 11 exemption applications, FMCSA exempts the following drivers from the epilepsy and seizure disorder prohibition in § 391.41(b)(8), subject to the requirements cited above:

Regina Botros (NC)
Monte Fischer (ND)
Ernestina Garcia (CA)
Anthony Martin (VA)
Mark Shirkey (IN)
Jaycee VanHouten (CO)
James Crady (OH)
Anthony Fraulo (CT)
Anthony Hoffman (MN)
Levi Read (ME)
Dustin Sumner (KY)

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136, 49 U.S.C. chapter 313, or the FMCSRs.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2024–08116 Filed 4–16–24; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2019–0111; FMCSA–2021–0017]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for nine individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these hard of hearing and deaf individuals to continue to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on March 4, 2024. The exemptions expire on March 4, 2026.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001, (202) 366–4001, *fmcsamedical@dot.gov.* Office hours are 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Comments

To view comments go to *www.regulations.gov.* Insert the docket number (FMCSA–2019–0111 or FMCSA–2021–0017) in the keyword box and click ''Search.'' Next, sort the

results by ''Posted (Newer-Older),'' choose the first notice listed, and click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

B. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption requests. DOT posts 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 14 (Federal Docket Management System), which can be reviewed at *https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices,* the comments are searchable by the name of the submitter.

II. Background

On February 29, 2024, FMCSA published a notice announcing its decision to renew exemptions for nine individuals from the hearing standard in 49 CFR 391.41(b)(11) to operate a CMV in interstate commerce and requested comments from the public (89 FR 15255). The public comment period ended on April 1, 2024, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(11).

The physical qualification standard for drivers regarding hearing found in § 391.41(b)(11) states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid (35 FR 6458, 6463 (Apr. 22, 1970) and 36 FR 12857 (July 8, 1971), respectively).

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Conclusion

Based upon its evaluation of the nine renewal exemption applications and comments received, FMCSA announces its decision to exempt the following drivers from the hearing requirement in

§ 391.41(b)(11).

As of March 4, 2024, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following nine individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers (89 FR 15255):

Charles Armand (TX)
Baldemar Barba (TX)
Jeremy Descloux (WA)
Edward Larizza (CA)
Rage Muse (MN)
Michael Paul (IL)
Jodyann Nipper (IA)
William Rivas (CA)
Kenneth Salts (OH)

The drivers were included in docket number FMCSA–2019–0111 or FMCSA–2021–0017. Their exemptions were applicable as of March 4, 2024 and will expire on March 4, 2026.

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136, 49 U.S.C. chapter 313, or the FMCSRs.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2024–08123 Filed 4–16–24; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2024–0007]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 11 individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. The exemptions enable these hard of hearing and deaf individuals to operate CMVs in interstate commerce.

DATES: The exemptions are applicable on April 5, 2024. The exemptions expire on April 5, 2025.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001, (202) 366–4001, *fmcsamedical@dot.gov.* Office hours are from 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Comments

To view comments go to *www.regulations.gov.* Insert the docket number (FMCSA–2024–0007) in the keyword box and click ''Search.'' Next, sort the results by ''Posted (Older-Newer),'' choose the first notice listed, and click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

B. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption requests. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov.* As described in the system of records notice DOT/ALL 14 (Federal Docket Management System), which can be reviewed at *https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices,* the comments are searchable by the name of the submitter.

II. Background

On February 7, 2024, FMCSA published a notice announcing receipt

of applications from 11 individuals requesting an exemption from the hearing requirement in 49 CFR 391.41(b)(11) to operate a CMV in interstate commerce and requested comments from the public (89 FR 8484). The public comment period ended on March 8, 2024, and two comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting exemptions to these individuals would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(11).

The physical qualification standard for drivers regarding hearing found in § 391.41(b)(11) states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid (35 FR 6458, 6463 (Apr. 22, 1970) and 36 FR 12857 (July 8, 1971), respectively).

III. Discussion of Comments

FMCSA received two comments in this proceeding. One commenter outlined concerns related to a forced whisper test being used to fairly measure an individual's hearing due to it being administered by medical examiners with differing voice tones and volumes. They felt that testing should be administered using technology in order to ensure each driver is tested with standardize volumes. In addition, the commenter believes that an individual with a safe driving history should not be required to get a hearing exemption and that this should be determined on a case-by-case scenario, rather than by majority. The second comment is outside of the scope of this notice.

FMCSA provides guidance to medical examiners on how to properly perform a forced whisper test in Appendix A to Part 391—Medical Advisory Criteria to ensure consistency in how this test is administered. The decision whether to administer a forced whisper test, audiometric test, or both, is left to the discretion of medical examiner to determine on a case-by-case basis when performing a physical qualification exam on an individual. Additionally, FMCSA's decision to grant a hearing exemption is not solely based on the individual not meeting the hearing standard, but also a review of their driving history record to ensure that they have demonstrated a level of safety that is equal to or greater than the level of safety performed by an individual not requiring an exemption.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statutes also allow the Agency to renew exemptions at the end of the 5-year period. However, FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The Agency's decision regarding these exemption applications is based on relevant scientific information and literature, and the 2008 Evidence Report, ''Executive Summary on Hearing, Vestibular Function and Commercial Motor Driving Safety.'' The evidence report reached two conclusions regarding the matter of hearing loss and CMV driver safety: (1) no studies that examined the relationship between hearing loss and crash risk exclusively among CMV drivers were identified; and (2) evidence from studies of the private driver's license holder population does not support the contention that individuals with hearing impairment are at an increased risk for a crash. In addition, the Agency reviewed each applicant's driving record found in the Commercial Driver's License Information System, for commercial driver's license (CDL) holders, and inspections recorded in the Motor Carrier Management Information System. For non-CDL holders, the Agency reviewed the driving records from the State Driver's Licensing Agency. Each applicant's record demonstrated a safe driving history. Based on an individual assessment of each applicant that focused on whether an equal or greater level of safety would likely be achieved by permitting each of these drivers to drive in interstate commerce, the Agency finds the drivers granted this exemption have demonstrated that they do not pose a risk to public safety.

Consequently, FMCSA finds further that in each case exempting these applicants from the hearing standard in § 391.41(b)(11) would likely achieve a level of safety equal to that existing without the exemption, consistent with the applicable standard in 49 U.S.C. 31315(b)(1).

V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and include the following: (1) each driver must report any crashes or accidents as defined in § 390.5T; (2) each driver must report all citations and convictions for disqualifying offenses under 49 CFR parts 383 and 391 to FMCSA; and (3) each driver is prohibited from operating a motorcoach or bus with passengers in interstate commerce. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. In addition, the exemption does not exempt the individual from meeting the applicable CDL testing requirements.

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based upon its evaluation of the 11 exemption applications, FMCSA exempts the following drivers from the hearing standard; in § 391.41(b)(11), subject to the requirements cited above:

Baldemar Barba (TX)
Michael Blizard (FL)
Nathan Brune (ID)
Byron Nelson (OR)
Cedric Carr (NC)
David Fults (IL)
Deshon Gray (TX)
Kekoa Kahele (NV)
Robert Lara Lara (RI)
Patrick Rubio (CA)
James Sanford (SD)

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals

and objectives of 49 U.S.C. 31136, 49 U.S.C. chapter 313, or the FMCSRs.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2024–08117 Filed 4–16–24; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2013–0123; FMCSA–2014–0104; FMCSA–2014–0385; FMCSA–2016–0003; FMCSA–2017–0057; FMCSA–2017–0058; FMCSA–2017–0060; FMCSA–2018–0139; FMCSA–2019–0109; FMCSA–2019–0111; FMCSA–2019–0112]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 18 individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these hard of hearing and deaf individuals to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates provided below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001, (202) 366–4001, *fmcsamedical@dot.gov.* Office hours are 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Comments

To view comments go to *www.regulations.gov.* Insert the docket number (FMCSA–2013–0123, FMCSA–2014–0104, FMCSA–2014–0385, FMCSA–2016–0003, FMCSA–2017–0057, FMCSA–2017–0058, FMCSA–2017–0060, FMCSA–2018–0139, FMCSA–2019–0109, FMCSA–2019–0111, or FMCSA–2019–0112) in the keyword box and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first notice listed, and click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

B. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption requests. DOT posts 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 14 (Federal Docket Management System), which can be reviewed at *https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices,* the comments are searchable by the name of the submitter.

II. Background

On January 30, 2024, FMCSA published a notice announcing its decision to renew exemptions for 18 individuals from the hearing standard in 49 CFR 391.41(b)(11) to operate a CMV in interstate commerce and requested comments from the public (89 FR 5991). The public comment period ended on February 29, 2024, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(11).

The physical qualification standard for drivers regarding hearing found in § 391.41(b)(11) states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid (35 FR 6458, 6463 (Apr. 22, 1970) and 36 FR 12857 (July 8, 1971), respectively).

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Conclusion

Based upon its evaluation of the 18 renewal exemption applications and comments received, FMCSA announces its decision to exempt the following drivers from the hearing requirement in § 391.41 (b)(11).

As of February 14, 2024, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following eight individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers (89 FR 5992):

Lucius Fowler (IL)
Jared Gunn (IL)
Daniel Krystosek (MN)
John Malm (IL)
Ray Norris (TX)
Abel Talamantes (WA)
Andrew Tessin (NC)
Charles Wirick (MD)

The drivers were included in docket numbers FMCSA–2013–0123, FMCSA–2014–0104, FMCSA–2017–0058, FMCSA–2018–0139, FMCSA–2019–0111, or FMCSA–2019–0112. Their exemptions were applicable as of February 14, 2024 and will expire on February 14, 2026.

As of February 19, 2024, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following 10 individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers (89 FR 5992):

Wyatt Baldwin (NV)
Adam Hayes (CA)
Amy Ivins (NE)
Bradley Ledford (NE)
Adrian Lopez (TX)
Jeffrey Schulkers (KY)
Mark Tabangcora (CA)
Jason Thomas (TX)
Joshua Tinley (AZ)
Kerri Wright (OK)

The drivers were included in docket numbers FMCSA–2016–0003, FMCSA–2017–0057, or FMCSA–2017–0060. Their exemptions were applicable as of February 19, 2024 and will expire on February 19, 2026.

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) the person fails to comply with the terms and conditions

of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136, 49 U.S.C. chapter 313, or the FMCSRs.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2024–08114 Filed 4–16–24; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2024–0008]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 16 individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. The exemptions enable these hard of hearing and deaf individuals to operate CMVs in interstate commerce.

DATES: The exemptions are applicable on April 8, 2024. The exemptions expire on April 8, 2026.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001, (202) 366–4001, *fmcsamedical@dot.gov.* Office hours are from 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Comments

To view comments go to *www.regulations.gov.* Insert the docket number (FMCSA–2024–0008) in the keyword box and click ''Search.'' Next, sort the results by ''Posted (Older-Newer),'' choose the first notice listed, and click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

B. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption requests. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov.* As described in the system of records notice DOT/ALL 14 (Federal Docket Management System), which can be reviewed at *https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices,* the comments are searchable by the name of the submitter.

II. Background

On February 29, 2024, FMCSA published a notice announcing receipt of applications from 16 individuals requesting an exemption from the hearing requirement in 49 CFR 391.41(b)(11) to operate a CMV in interstate commerce and requested comments from the public (89 FR 15256). The public comment period ended on April 1, 2024, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting exemptions to these individuals would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(11).

The physical qualification standard for drivers regarding hearing found in § 391.41(b)(11) states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid (35 FR 6458, 6463 (Apr. 22, 1970) and 36 FR 12857 (July 8, 1971), respectively).

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statutes also allow the Agency to renew exemptions at the end of the 5-year period. However, FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The Agency's decision regarding these exemption applications is based on relevant scientific information and literature, and the 2008 Evidence Report, ''Executive Summary on Hearing, Vestibular Function and Commercial Motor Driving Safety.'' The evidence report reached two conclusions regarding the matter of hearing loss and CMV driver safety: (1) no studies that examined the relationship between hearing loss and crash risk exclusively among CMV drivers were identified; and (2) evidence from studies of the private driver's license holder population does not support the contention that individuals with hearing impairment are at an increased risk for a crash. In addition, the Agency reviewed each applicant's driving record found in the Commercial Driver's License Information System, for commercial driver's license (CDL) holders, and inspections recorded in the Motor Carrier Management Information System. For non-CDL holders, the Agency reviewed the driving records from the State Driver's Licensing Agency. Each applicant's record demonstrated a safe driving history. Based on an individual assessment of each applicant that focused on whether an equal or greater level of safety would likely be achieved by permitting each of these drivers to drive in interstate commerce, the Agency finds the drivers granted this exemption have demonstrated that they do not pose a risk to public safety.

Consequently, FMCSA finds further that in each case exempting these applicants from the hearing standard in § 391.41(b)(11) would likely achieve a level of safety equal to that existing without the exemption, consistent with the applicable standard in 49 U.S.C. 31315(b)(1).

V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document

and include the following: (1) each driver must report any crashes or accidents as defined in § 390.5T; (2) each driver must report all citations and convictions for disqualifying offenses under 49 CFR parts 383 and 391 to FMCSA; and (3) each driver is prohibited from operating a motorcoach or bus with passengers in interstate commerce. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. In addition, the exemption does not exempt the individual from meeting the applicable CDL testing requirements.

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based upon its evaluation of the 16 exemption applications, FMCSA exempts the following drivers from the hearing standard; in § 391.41(b)(11), subject to the requirements cited above:

Cesar Anicama (NY)
Dalton Atkinson (TX)
Carl Bordeaux (SC)
Jose Gutierrez (MD)
Francisco Kelly (VA)
Joseph Latino (LA)
Brian Levinson (LA)
Dre Lowes (MD)
Vonseth Ngethsum (FL)
Henry Peralta (TX)
Naren Ramnauth (CA)
Karl Sabate (CA)
Terrell Sumers (LA)
Mark Thronson (CA)
Rodrigues Tilley (AL)
Gerald Wright (KY)

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136, 49 U.S.C. chapter 313, or the FMCSRs.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2024–08119 Filed 4–16–24; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2015–0117; FMCSA–2017–0181; FMCSA–2019–0036; FMCSA–2019–0206]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for four individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on February 19, 2024. The exemptions expire on February 19, 2026. Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates provided below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, (202) 366–4001, *fmcsamedical@dot.gov.* Office hours are from 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Comments

To view comments go to *www.regulations.gov.* Insert the docket number (FMCSA–2015–0117, FMCSA–2017–0181, FMCSA–2019–0036, or FMCSA–2019–0206) in the keyword box and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first notice listed, and click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

B. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption request. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov.* As described in the system of records notice DOT/ALL 14 (Federal Docket Management System), which can be reviewed at *https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices,* the comments are searchable by the name of the submitter.

II. Background

On February 1, 2024, FMCSA published a notice announcing its decision to renew exemptions for four individuals from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) to operate a CMV in interstate commerce and requested comments from the public (89 FR 6560). The public comment period ended on March 4, 2024, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(8).

The physical qualification standard for drivers regarding epilepsy found in § 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria [1] to assist medical examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce.

III. Discussion of Comments

FMCSA received no comments in this proceeding.

[1] These criteria may be found in APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. *Epilepsy:* § 391.41(b)(8), paragraphs 3, 4, and 5, which is available on the internet at *https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf.*

IV. Conclusion

Based on its evaluation of the four renewal exemption applications and comments received, FMCSA announces its decision to exempt the following drivers from the epilepsy and seizure disorders prohibition in § 391.41(b)(8).

As of February 19, 2024, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following four individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers (89 FR 6560):

Daniel Bretz (PA)
Gary Gress (PA)
Cory Wagner (IL)
Randy Wentz (PA)

The drivers were included in docket number FMCSA–2015–0117, FMCSA–2017–0181, FMCSA–2019–0036, or FMCSA–2019–0206. Their exemptions were applicable as of February 19, 2024 and will expire on February 19, 2026.

In accordance with 49 U.S.C. 31315(b), each exemption will be valid for 2 years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) the person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2024–08115 Filed 4–16–24; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2024–0009]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 11 individuals for an exemption from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. If granted, the exemptions would enable these hard of hearing and deaf individuals to operate CMVs in interstate commerce.

DATES: Comments must be received on or before May 17, 2024.

ADDRESSES: You may submit comments identified by the Federal Docket Management System Docket No. FMCSA–2024–0009 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov/,* insert the docket number (FMCSA–2024–0009) in the keyword box and click ''Search.'' Next, choose the only notice listed, and click on the ''Comment'' button. Follow the online instructions for submitting comments.
- *Mail:* Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal Holidays.
- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, FMCSA, DOT, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001, (202) 366–4001, *fmcsamedical@dot.gov.* Office hours are 8:30 a.m. to 5 p.m. ET Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–2024–0009), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *https://www.regulations.gov/docket/FMCSA-2024-0009.* Next, sort the results by ''Posted (Newer-Older),'' choose the only notice listed, click the ''Comment'' button, and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. FMCSA will consider all comments and material received during the comment period.

B. Viewing Comments

To view comments go to *www.regulations.gov.* Insert the docket number (FMCSA–2024–0009) in the keyword box and click ''Search.'' Next, choose the only notice listed, and click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m. ET Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

C. Privacy Act

In accordance with 49 U.S.C. 31315(b)(6), DOT solicits comments from the public on the exemption requests. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov.* As described in the system of records notice DOT/ALL 14 (Federal Docket Management System), which can be reviewed at *https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices,* the comments are searchable by the name of the submitter.

II. Background

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statutes also allow the Agency to renew exemptions at the end of the 5-year period. FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The 11 individuals listed in this notice have requested an exemption from the hearing requirement in 49 CFR 391.41(b)(11). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding hearing found in § 391.41(b)(11) states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, (35 FR 6458, 6463 (Apr. 22, 1970) and 36 FR 12857 (July 8, 1971), respectively).

On February 1, 2013, FMCSA announced in a Notice of Final Disposition titled, ''Qualification of Drivers; Application for Exemptions; National Association of the Deaf,'' (78 FR 7479), its decision to grant requests from 40 individuals for exemptions from the Agency's physical qualification standard concerning hearing for interstate CMV drivers. Since that time the Agency has published additional notices granting requests from hard of hearing and deaf individuals for exemptions from the Agency's physical qualification standard concerning hearing for interstate CMV drivers.

III. Qualifications of Applicants

Luis Aguilar

Luis Aguilar, 50, holds a regular driver's license in Washington.

Donna Ayala

Donna Ayala, 28, holds a class C driver's license in Nevada.

Sabrina Baltenbach-Lankenau

Sabrina Baltenbach-Lankenau, 49, holds a class D driver's license in Ohio.

Danielle Franks

Danielle Franks, 38, holds a class D driver's license in Delaware.

Arnold Hatton

Arnold Hatton, 23, holds a class D driver's license in Delaware.

Alton Hunnicut

Alton Hunnicut, 53, holds a class A commercial driver's license (CDL) in North Carolina.

Sam Jawdat

Sam Jawdat, 30, holds a class D driver's license in Arizona.

James Newton

James Newton, 64, holds a class A CDL in Florida.

Michael Olsen

Michael Olsen, 59, holds a class C driver's license in California.

Beau Robinson

Beau Robinson, 41, holds a class A CDL in Texas.

Richard Sawyer

Richard Sawyer, 41, holds a class A CDL in Virginia.

IV. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315(b), FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated under the **DATES** section of the notice.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2024–08118 Filed 4–16–24; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2024–0019]

Notice of Limitation on Claims Against Port of Longview Industrial Rail Corridor Expansion Project

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This notice announces final environmental action taken for the Port of Longview Industrial Rail Corridor Expansion Project. The purpose of this notice is to advise the public of the time limit to file any claims that may challenge these decisions and other Federal permits, licenses, and approvals for the Project.

DATES: A claim seeking judicial review of Federal agency actions for the listed rail transportation project will be barred unless the claim is filed on or before April 17, 2026. If the Federal law that authorizes judicial review of a claim provides a time period of less than two years for filing such claim, then the shorter time period applies.

FOR FURTHER INFORMATION CONTACT: For further information related to this notice, please contact Sydney Johnson, Attorney Adviser, Office of the Chief Counsel by email: *sydney.johnson@dot.gov* or by telephone: 202–536–9639.

SUPPLEMENTARY INFORMATION: Notice is given that FRA has taken final agency action by issuing certain approvals for the railroad project listed below. The actions on the project, as well as the laws under which such actions were taken, are described in the documentation issued in connection with the project to comply with the National Environmental Policy Act (NEPA), available at *https://railroads.dot.gov/rail-network-development/environment/environmental-reviews/port-longview-industrial-rail-corridor.*

This notice applies to all Federal agency decisions on the listed project as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to, NEPA (42 U.S.C. 4321–4375); section 4(f) requirements (23 U.S.C. 138, 49 U.S.C. 303); section 106 of the National Historic Preservation Act (54 U.S.C. 306108); the Clean Air Act (42 U.S.C. 7401–7671q); the Endangered Species Act (16 U.S.C. 1531–1544); the Clean Water Act (33 U.S.C. 1251), the Rivers and Harbors Act of 1899 (33 U.S.C. 403), the Coastal Zone Management Act of 1972 (16 U.S.C. 1451), and relevant Executive orders (E.O.) including but not limited to, E.O. 11988 Floodplain Management; and E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. This notice does not, however, alter or extend a shorter limitation period that may exist for challenges of project decisions covered by this notice. The project that is the subject of this notice follows:

Project name and location: Port of Longview Industrial Rail Corridor Expansion (IRCE) Project, Longview, Washington.

Project Summary: The Port of Longview (Port) is a deep-draft, full-service port operating in Washington on the Columbia River approximately 66 miles upstream from the Pacific Ocean. Rail service to the Port is provided primarily via the Port's industrial Rail Corridor (IRC), which consists of a two-track rail line connecting the Port's marine terminals to the Class I mainline rail line that runs between Seattle and Portland.

The IRCE Project involves expanding the existing IRC to provide improved rail service to the Port's marine terminals. The IRCE Project includes construction of a six-track rail embankment adjacent to the current two-track rail corridor; lengthening of the existing two tracks by 1,000 feet for a total of 8,500 feet; and constructing two new 8,500-foot rail tracks. Construction includes new stormwater conveyance and treatment facilities, track operation systems, lighting, utility improvements, and rail crew support facilities.

Federal funding awarded to the Port for the IRCE Project includes a DOT grant under the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) program and congressionally directed Fiscal Year 2022 Consolidated Rail Infrastructure and Safety Improvements (CRISI) program funds. The Port has also been awarded a Federal Highway Administration grant under the National Highway Freight Program (NHFP). The Maritime Administration (MARAD) is administering the RAISE and NHFP grants, which will be used to fund engineering design and construction of the IRCE Project. FRA is administering the CRISI grant, which will be used for property acquisition to support the IRCE Project.

In 2023, the Port, in coordination with MARAD, prepared an Environmental Assessment (EA) for the IRCE Project to evaluate potential impacts to the human and natural environment, in accordance with NEPA. MARAD was the lead Federal agency for the oversight of the NEPA process. FRA was a cooperating agency in the development of the EA. MARAD issued a Finding of No Significant Impact (FONSI) for the Project's EA on October 31, 2023. FRA adopted MARAD's EA and approved its own FONSI for the Project on November 3, 2023.

Authority: 49 U.S.C. 24201(a)(4) and 23 U.S.C. 139(l)(1).

Issued in Washington, DC.

Marlys Ann Osterhues,

Director, Environmental Program Management.

[FR Doc. 2024–08132 Filed 4–16–24; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

FY 2024 Competitive Funding Opportunity: Passenger Ferry Grant Program, Electric or Low-Emitting Ferry Pilot Program, and Ferry Service for Rural Communities Program

AGENCY: Federal Transit Administration (FTA), Department of Transportation (DOT).

ACTION: Notice of funding opportunity (NOFO).

SUMMARY: The Federal Transit Administration (FTA) announces the opportunity to apply for $316 million in competitive grants under the Fiscal Year (FY) 2024 Passenger Ferry Grant Program (Passenger Ferry Program), Electric or Low-Emitting Ferry Pilot Program (Low-No Ferry Program), and Ferry Service for Rural Communities Program (Rural Ferry Program). Of the amount being made available, $51 million is for the Passenger Ferry Program, $49 million for the Low-No Ferry Program, and $216 million is for the Rural Ferry Program. FTA may award additional funding made available to the program prior to the announcement of project selections.

DATES: Complete proposals must be submitted electronically through the *GRANTS.GOV* ''APPLY'' function by 11:59 p.m. eastern time June 17, 2024. Prospective applicants should initiate the process by promptly registering on the *GRANTS.GOV* website to ensure completion of the application process before the submission deadline.

ADDRESSES: Instructions for applying can be found on FTA's website at *https://www.transit.dot.gov/howtoapply* and in the ''FIND'' module of *GRANTS.GOV*. The funding opportunity ID for the Passenger Ferry Program is FTA–2024–007–TPM-PassFerry, the funding opportunity ID for the Low-No Ferry Program is FTA–2024–008–TPM–FERRYPILOT, and the funding opportunity ID for the Rural Ferry Program is FTA–2024–009–TPM-RuralFerry. Mail and fax submissions will not be accepted.

FOR FURTHER INFORMATION CONTACT: *FTAFerryPrograms@dot.gov* or Vanessa Williams, FTA Office of Program Management, (202) 366–4818, or Sarah Clements, FTA Office of Program Management, (202) 366–3062.

SUPPLEMENTARY INFORMATION:

SUMMARY OVERVIEW OF KEY INFORMATION—PASSENGER FERRY GRANT PROGRAM (PASSENGER FERRY PROGRAM), ELECTRIC OR LOW-EMITTING FERRY PILOT PROGRAM (LOW-NO FERRY PROGRAM), AND FERRY SERVICE FOR RURAL COMMUNITIES PROGRAM (RURAL FERRY PROGRAM)

Issuing Agency	Federal Transit Administration, U.S. Department of Transportation.
Program Overview	The *Passenger Ferry Program* provides funding to improve the condition and quality of existing passenger ferry services, support the establishment of new passenger ferry services, and repair and modernize ferry boats, terminals, and related facilities and equipment. The *Low-No Ferry Program* provides funding for projects that support the purchase of electric or low-emitting ferries and the electrification of or other reduction of emissions from existing ferries. The *Rural Ferry Program* provides funding for capital, operating, and planning expenses for ferry service to rural areas.
Eligible Applicants	*Passenger Ferry Program:* designated and direct recipients of section 5307 funding and public entities engaged in providing public transportation passenger ferry service in urban areas that are eligible to be direct recipients. *Low-No Ferry Program:* any eligible recipient of section 5307 or section 5311 funding. *Rural Ferry Program:* States and U.S. territories in which eligible service is operated.
Eligible Project Types	*Passenger Ferry Program:* Capital projects for the purchase, construction, replacement, or rehabilitation of ferries, terminals, related infrastructure and related equipment (including electric or low-emitting ferry vessels and related infrastructure). *Low-No Ferry Program:* Capital projects for the purchase of electric or low-emitting ferry vessels and related infrastructure. *Rural Ferry Program:* Capital, operating or planning projects for rural ferry service.
Funding	*Passenger Ferry Program:* $51 million. *Low-No Ferry Program:* $49 million. *Rural Ferry Program:* $216 million. Total: $316 million.
Deadline	Applications due by 11:59 p.m. eastern time June 17, 2024.

SUMMARY OVERVIEW OF KEY INFORMATION—PASSENGER FERRY GRANT PROGRAM (PASSENGER FERRY PROGRAM), ELECTRIC OR LOW-EMITTING FERRY PILOT PROGRAM (LOW-NO FERRY PROGRAM), AND FERRY SERVICE FOR RURAL COMMUNITIES PROGRAM (RURAL FERRY PROGRAM)—Continued

Cost share	The maximum Federal share for capital projects selected under each program generally is 80 percent of the net project cost, with the exceptions described in the NOFO. The maximum Federal share for planning projects selected under the Rural Ferry Program is 80 percent. There is no maximum Federal share for operating projects selected under the Rural Ferry Program; however, a maintenance of effort requirement is described in the NOFO.

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A. Program Description

This is a joint Notice of Funding Opportunity (NOFO) and announces the availability of FY 2024 funding for the Passenger Ferry Grant Program (Passenger Ferry Program), Electric or Low-Emitting Ferry Pilot Program (Low-No Ferry Program), and Ferry Service for Rural Communities Program (Rural Ferry Program). All programs can be found under Federal Assistance Listing: 20.532.

Federal public transportation law (49 U.S.C. 5307(h)) authorizes FTA to award grants for passenger ferries through a competitive process. The Passenger Ferry Program provides funding to designated recipients and direct recipients under FTA's Urbanized Area Formula Program, as well as public entities engaged in providing public transportation passenger ferry service in urban areas that are eligible to be direct recipients. Projects funded under the program will improve the condition and quality of existing passenger ferry services, support the establishment of new passenger ferry services, and repair and modernize ferry boats, terminals, and related facilities and equipment.

Section 71102 of the Infrastructure Investment and Jobs Act (also called the ''Bipartisan Infrastructure Law'' or ''BIL'') (Pub. L. 117–58) authorizes FTA to award grants for electric or low-emitting ferries through a competitive process, as described in this notice. The Low-No Ferry Program is available to any eligible designated or direct recipient of FTA's Urbanized Area Formula Program or Formula Grants for Rural Areas funding, including States (including territories and Washington, DC), local governmental authorities, and tribal governments. Grants will be awarded under this program for the purchase of electric or low-emitting ferries, the electrification of or other reduction of emissions from existing ferries, and related charging or other fueling infrastructure (for which the applicants will maintain satisfactory continuing control) to reduce emissions or produce zero onboard emissions under normal operation.

Section 71103 of the BIL authorizes FTA to award grants for the Rural Ferry Program through a competitive process, as described in this notice. The Rural Ferry Program provides funding for capital, operating, and planning expenses to States and territories for ferry service to rural areas. Applicants to this program are required to have operated ferry public transportation service on a regular schedule at any time during the five-year period from March 1, 2015, to March 1, 2020, and operated at least one route segment of more than 50 sailing (nautical) miles between two rural areas.

The Department seeks to fund projects that advance the Departmental priorities of safety, equity, climate and sustainability, workforce development, job quality, and wealth creation as described in the USDOT Strategic Plan, Research, Development and Technology Strategic Plan, and in executive orders.[1]

B. Federal Award Information

Federal public transportation law (49 U.S.C. 5307(h)) authorizes $30 million in FY 2024 contract authority for competitive grants under the Passenger Ferry Program. FTA may award additional funding made available to the program prior to the announcement of project selections. The Consolidated Appropriations Act, 2024 (Pub. L. 118–42) made an additional $20 million available, of which at least $5 million must be for low or zero emission ferries and related infrastructure. The Further Consolidated Appropriations Act, 2024 (Pub. L. 118–47) made an additional $1 million available. In FY 2023, FTA received 22 eligible applications from nine States requesting $208 million in Federal Passenger Ferry Program funds. Seven projects were funded at a total of $50.1 million.

Division J of the BIL provides an advance appropriation of $50 million in FY 2024 funds for competitive grants under the Low-No Ferry Program. Of that amount, $995,000 is for FTA oversight, $5,000 is transferred to the DOT Office of Inspector General (OIG), and $49 million is available for award. There was no NOFO for the Low-No Ferry Program in FY 2023 as all FY 2023 funds were allocated in response to the FY 2022 NOFO.

Division J of the BIL provides an advance appropriation of $200 million in FY 2024 funds for the Rural Ferry Program. Of that amount, $3,980,000 is for FTA oversight, and $20,000 is transferred to the DOT Office of Inspector General, leaving $196 million available for award. The Consolidated Appropriations Act, 2024 made an additional $20 million available for eligible entities that operate ferry service with a single segment of over 15 miles between two rural areas and meet all other program requirements. In FY 2023, FTA received six eligible applications from four States and the territory of American Samoa requesting $210 million in Federal Rural Ferry Program funds. All six projects were funded at a total of $170 million.

FTA will grant pre-award authority to incur eligible costs for selected projects beginning on the date the FY 2024 project selections are announced on FTA's website. A project selected under the Rural Ferry Program that is a continuation of a project that was selected through the FY 2022 or FY 2023 NOFOs will be granted pre-award authority from the time of the previous project selection announcement, otherwise funds are available only for projects that have not already incurred costs prior to the announcement of project selections. Funds are available for obligation for five years after the fiscal year in which the project selections are announced.

[1] Executive Order 14008, Tackling the Climate Crisis at Home and Abroad (86 FR 7619). Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (86 FR 7009). Executive Order 14025, Worker Organizing and Empowerment (86 FR 22829), and Executive Order 14052, Implementation of the Infrastructure Investment and Jobs Act (86 FR 64335).

C. Eligibility Information

1. Eligible Applicants

Program	Eligible applicants
Passenger Ferry Program	• Designated Recipients of Section 5307 Funding. • Direct Recipients of Section 5307 Funding. • Public Entities engaged in providing public transportation passenger ferry service in urban areas that are eligible to be a Direct Recipient.
Low-No Ferry Program	• Designated Recipients of Section 5307 Funding. • Direct Recipients of Section 5307 Funding. • Public Entities engaged in providing public transportation passenger ferry service in urban areas that are eligible to be a Direct Recipient. • States and territories. • Tribal governments.
Rural Ferry Program	• States and territories.

Eligible applicants for the Passenger Ferry Program are: (1) designated recipients as defined in FTA Circular ''Urbanized Area Formula Program: Program Guidance and Application Instructions'' (FTA C.9030.1E), (2) direct recipients of FTA's Urbanized Area Formula Grants, and (3) public entities engaged in providing public transportation passenger ferry service in urban areas that are eligible to be direct recipients.

Eligible applicants for the Low-No Ferry Program are any eligible recipient of section 5307 or section 5311 funding. Eligible section 5307 recipients are the same as for the Passenger Ferry Program: (1) designated recipients as defined in FTA Circular ''Urbanized Area Formula Program: Program Guidance and Application Instructions'' (FTA.C.9030.1E) and (2) direct recipients of FTA's Urbanized Area Formula Grants, as well as public entities engaged in providing public transportation passenger ferry service in urban areas that are eligible to be direct recipients. Eligible section 5311 recipients are States or territories or tribal governments. In addition, as required by statute, before the conclusion of the grant competition that utilizes FY 2026 funds, FTA must select: (1) at least one project from a ferry service that serves the State with the largest number of Marine Highway System miles, and (2) at least one project for a bi-State ferry service with an aging fleet and whose development of zero- and low-emission power source ferries will propose to advance the state of the technology toward increasing the range and capacity of zero-emission power source ferries. If an applicant's ferry service operates in the State with the largest number of Marine Highway System miles or is a bi-State ferry service (a ferry service that serves two states) with an aging fleet and whose development of zero- and low-emission power source ferries will propose to advance the state of the technology toward increasing the range and capacity of zero-emission power source ferries, the applicant must identify themselves as such and submit documentation demonstrating those operating characteristics.

Eligible applicants for the Rural Ferry Program are States and territories in which eligible service is operated. For the $196 million made available under Division J of the BIL, eligible service includes passenger ferry service that operated a regular schedule at any time between March 1, 2015, and March 1, 2020, and operated at least one segment between two rural areas located more than 50 sailing (nautical) miles apart. FTA defines a regular schedule as a published schedule for either seasonal or year-round ferry service. Applicants must not have attributed data to an urbanized area in their most recent report to the National Transit Database for their ferry services. Eligible applicants for the $20 million in Rural Ferry Funds made available under the Consolidated Appropriations Act, 2024 are the same as above but must operate at least one segment between two rural areas of more than 15 miles. Applicants must document their eligibility for the Rural Ferry Program by providing the following:

A. Documentation such as dated and published sailing schedules to demonstrate the operation of regular scheduled service at any time during the five-year period ending March 1, 2020.

B. Documentation such as route maps to demonstrate provision of service for at least one direct segment between two rural areas that meet the distance requirements described above, during the five-year period ending March 1, 2020.

FTA will confirm the segment length based upon data reported to the National Census of Ferry Operators maintained by the Bureau of Transportation Statistics.

An eligible applicant that does not currently have an active grant with FTA will, upon selection, be required to work with an FTA regional office to establish its organization as an active grant recipient. This process may require additional documentation to support the organization's technical, financial, and legal capacity to receive and administer Federal funds under this program.

2. Cost Sharing or Matching

a. The maximum Federal share for capital projects selected under each program is 80 percent of the net project cost, with the exceptions described in paragraphs b and c below, per 49 U.S.C. 5323. The maximum Federal share for planning projects selected under the Rural Ferry Program is 80 percent. There is no maximum Federal share for operating projects selected under the Rural Ferry Program in FY 2024; however, similar to FY 2023, FTA will require the State or locality to provide, at a minimum, 75 percent of the three-year average prior to the pandemic (2017, 2018, and 2019) on an annual basis to support ferry service for the period supported by the grant. For example, if a State or locality normally provided $1 million in operating assistance annually, an applicant should include at least $750,000 in State or local operating assistance.

b. The maximum Federal share is 85 percent of the net project cost of acquiring vehicles (including clean-fuel or alternative fuel vehicles) for purposes of complying with or maintaining compliance with the Clean Air Act (CAA) or the Americans with Disabilities Act (ADA) of 1990.

c. The maximum Federal share is 90 percent of the net project cost of acquiring, installing, or constructing vehicle-related equipment or facilities (including clean fuel or alternative-fuel vehicle-related equipment or facilities) for purposes of complying with or

maintaining compliance with the ADA or CAA. The award recipient must itemize the cost of specific, discrete, vehicle-related equipment associated with compliance with the ADA or CAA to be eligible for the maximum 90 percent Federal share for these costs.

Eligible sources of non-Federal matching funds include:

a. Cash from non-governmental sources other than revenues from providing the ferry services (such as fare revenues, vehicle, or cargo charges, etc.);

b. Non-farebox revenues from the operation of public transportation service, such as the sale of advertising and concession revenues;

c. Monies received under a service agreement with a State or local social service agency or private social service organization;

d. Undistributed cash surpluses, replacement or depreciation cash funds, reserves available in cash, or new capital;

e. Amounts appropriated or otherwise made available to a department or agency of the Government (other than the USDOT), that are eligible to be used to satisfy non-Federal matching requirements and expended for public transportation;

f. In-kind contributions integral to the project;

g. Revenue bond proceeds for a capital project, with prior FTA approval; and

h. Transportation Development Credits (formerly referred to as Toll Revenue Credits).

If an applicant proposes a Federal share greater than 80 percent, the applicant must clearly explain why the project is eligible for the proposed Federal share.

3. Eligible Projects

Program	Eligible projects
Passenger Ferry Program	• Capital Projects—purchase, construction, replacement, or rehabilitation of ferries, terminals, related infrastructure and related equipment (including electric or low-emitting ferry vessels and related infrastructure).
Low-No Ferry Program	• Capital Projects—purchase of electric or low-emitting ferry vessels and related infrastructure.
Rural Ferry Program	• Capital Projects—purchase, construction, replacement, or rehabilitation of ferries, terminals, related infrastructure and related equipment (including electric or low-emitting ferry vessels and related infrastructure). • Planning Projects—for rural ferry service only. • Operating Projects—for rural ferry service only.

3A. Passenger Ferry Program—Eligible Projects

Under the Passenger Ferry Program, eligible projects are capital projects for the purchase, construction, replacement, or rehabilitation of ferries, terminals, related infrastructure, and related equipment (including fare equipment and communication devices). Projects are required to support a passenger ferry service that serves an urbanized area and may include services that operate between an urbanized area and rural areas. Ferry systems that accommodate cars must also accommodate walk-on passengers to be eligible for funding. Operating costs and planning projects are not eligible.

Under the Passenger Ferry Program only, recipients are permitted to use up to 0.5 percent of their grant award to pay for not more than 80 percent of the cost for workforce development activities eligible under Federal public transportation law (49 U.S.C 5314(b)) and an additional 0.5 percent for costs associated with training at the National Transit Institute. Applicants must identify the proposed use of funds for these activities in the project proposal and identify them separately in the project budget. Supportive services, such as childcare and transportation assistance for participants, are an eligible use of program funds under 49 U.S.C. 5314(b). FTA has published clarifying frequently asked questions regarding supportive services on its website at *https://www.transit.dot.gov/funding/grants/federal-transit-administration-faqs-supportive-services.*

3B. Low-No Ferry Program—Eligible Projects

Under the Low-No Ferry Program, eligible projects are capital projects for the purchase of electric or low-emitting ferry vessels that reduce emissions by using alternative fuels or on-board energy storage systems and related charging infrastructure or other fueling infrastructure to reduce emissions or produce zero onboard emissions under normal operation. Ferry systems that accommodate cars must also accommodate walk-on passengers to be eligible for funding. Operating costs and planning projects are not eligible.

Alternative fuel means:

(A) methanol, denatured ethanol, and other alcohols;

(B) a mixture containing at least 85 percent of methanol, denatured ethanol, and other alcohols by volume with gasoline or other fuels;

(C) natural gas;

(D) liquefied petroleum gas;

(E) hydrogen;

(F) fuels (except alcohol) derived from biological materials; and

(G) electricity (including electricity from solar energy).

3C. Rural Ferry Program—Eligible Projects

Under the Rural Ferry Program, eligible projects are capital, operating, or planning assistance. However, systems that are only eligible for funding under the $20 million provided by the Consolidated Appropriations Act, 2024 may not apply for a planning or operating project limited to funding a segment between two rural areas less than 15 miles apart. They may apply for planning or operating assistance if the project includes at least one segment longer than 15 miles apart. Eligible capital projects include the purchase, construction, replacement, or rehabilitation of ferries, terminals, related infrastructure, and related equipment (including fare equipment and communication devices). Only net operating expenses are eligible for assistance. Net operating expenses are those expenses that remain after the provider subtracts operating revenues from eligible operating expenses. States may further define what constitutes operating revenues, but, at a minimum, operating revenues must include farebox revenues and other fees generated directly by the ferry service such as vehicle fares, cargo fees, and cabin fees. Farebox revenues are fares paid by riders, including those who are later reimbursed by a human service agency or other user-side subsidy arrangement. For more information, please see FTA Circular 9040.1G at

https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/formula-grants-rural-areas-program-guidance-and-application. Eligible projects are not required to be implemented on the same route segments that resulted in applicant eligibility (*e.g.*, the project need not be implemented on a segment of more than 50 sailing (nautical) miles). Ferry systems that accommodate cars must also accommodate walk-on passengers to be eligible for funding.

For all programs above, walk-on passengers are defined as passengers who board the vessel unaccompanied by any motor vehicle in which they may have arrived at the ferry terminal, and which remains behind after ferry departure.

D. Application and Submission Information

1. Address To Request Application Package

Applications may be accessed at *GRANTS.GOV* and must be submitted electronically through *GRANTS.GOV*. General information for accessing and submitting applications through *GRANTS.GOV* can be found at *https://www.fta.dot.gov/howtoapply* along with specific instructions for the forms and attachments required for submission. Mail or fax submissions will not be accepted. The required SF–424 Application for Federal Assistance can be downloaded from *GRANTS.GOV* and the required supplemental form can be downloaded from *GRANTS.GOV* or the FTA website at *https://www.transit.dot.gov/grants/fta-ferry-programs.*

2. Content and Form of Application Submission

A. Proposal Submission

A complete proposal submission consists of two forms: (1) the SF–424 Application for Federal Assistance; and (2) the FY 2024 Passenger Ferry Program, Low-No Ferry Program, and Rural Ferry Program supplemental form. An application eligible under the Low-No Ferry Program may also be eligible under either the Passenger Ferry Program or Rural Ferry Program. If an applicant is applying to multiple programs, they must submit the application materials through the *GRANTS.GOV* opportunity ID's listed for each program. If an applicant is submitting different proposals to different programs, the applicant must submit an application for each project to each program separately. The supplemental form and any supporting documents must be attached to the ''Attachments'' section of the SF–424. The application must include responses to all sections of the SF–424 Application for Federal Assistance and the supplemental form, unless designated as optional. The information on the supplemental form will be used to determine applicant and project eligibility for the program, and to evaluate the proposal against the selection criteria described in part E of this notice. Failure to submit the information as requested can delay review or disqualify the application.

FTA will accept only one supplemental form per SF–424 submission. FTA encourages States and other applicants to consider submitting a single supplemental form that includes multiple activities as one project to be evaluated as a consolidated proposal. If a State or other applicant chooses to submit separate proposals for individual consideration by FTA, each proposal must be submitted using a separate SF–424 and supplemental form.

Applicants may attach additional supporting information to the SF–424 submission, including but not limited to documentation supporting the applicant's eligibility for the grant programs, letters of support, project budgets, fleet status reports, or excerpts from relevant planning documents. Supporting documentation should be described and referenced by file name in the appropriate response section of the supplemental form, or it may not be reviewed.

Information such as applicant name, Federal amount requested, local match amount, and description of areas served may be requested in varying degrees of detail on both the SF–424 and supplemental form. Applicants must fill in all fields unless otherwise stated on the forms. Applicants should not place ''N/A'' or ''refer to attachment'' in lieu of typing in responses in the field sections. If information is copied into the supplemental form from another source, applicants should verify that pasted text is fully captured on the supplemental form and has not been truncated by the character limits built into the form. Applicants should use both the ''Check Package for Errors'' and the ''Validate Form'' validation buttons on both forms to check all required fields on the forms and ensure that the Federal and local amounts specified are consistent.

B. Application Content

The SF–424 Application for Federal Assistance and the supplemental form will prompt applicants for the required information:

a. Applicant name.

b. Unique entity identifier (UEI) (generated by *SAM.GOV*).

c. Key contact information (including contact name, address, email address, and phone).

d. Congressional district(s) in which the project is located.

e. Project information (including title, executive summary, and type).

f. A detailed description of the need for the project.

g. A detailed description of how the project will support the program objectives.

h. Evidence that the project is consistent with local and regional planning objectives.

i. Evidence that the applicant can provide the non-Federal cost share.

j. A description of the technical, legal, and financial capacity of the applicant.

k. A detailed project budget that shows how different funding sources, including Federal amount requested, local match (non-Federal), other Federal funds, and other funding sources will share in each activity. The budget should identify other Federal funds the applicant is applying for or has been awarded, if any, that the applicant intends to use.

l. An explanation of the scalability of the project.

m. Details on the non-Federal matching funds.

n. For any application for operating assistance under the Rural Ferry program, the applicant should provide the amount of State or local funds provided for operating assistance for the three years of operation prior to the start of the pandemic, January 20, 2020. Applicants, at their discretion, may provide the three years of data ending on the last day of the applicant's fiscal year ending prior to January 20, 2020; end of the Federal fiscal year ending prior to January 20, 2020 (September 30, 2019); or ending January 20, 2020.

o. A detailed project timeline.

p. Address all the applicable criteria and priority considerations identified in section E.

3. Unique Entity Identifier and System for Award Management (SAM)

Each applicant is required to: (1) be registered in *SAM.GOV* before submitting an application; (2) provide a valid unique entity identifier in its application; and (3) continue to maintain an active SAM registration with current information at all times during which the applicant has an active Federal award or an application or plan under consideration by FTA. FTA may not make an award until the applicant has complied with all applicable unique entity identifier and

SAM requirements. If an applicant has not fully complied with the requirements by the time FTA is ready to make an award, FTA may determine that the applicant is not qualified to receive an award and use that determination as a basis for making a Federal award to another applicant. These requirements do not apply if the applicant has an exception approved by FTA or the U.S. Office of Management and Budget under 2 CFR 25.110(c) or (d).

All applicants must provide a unique entity identifier provided by SAM. Registration in SAM may take as little as 3–5 business days, but since there could be unexpected steps or delays (for example, if there is a need to obtain an Employer Identification Number), FTA recommends allowing ample time, up to several weeks, for completion of all steps. For additional information on obtaining a unique entity identifier, please visit *https://www.sam.gov.*

4. Submission Dates and Times

Project proposals must be submitted electronically through *GRANTS.GOV* by 11:59 p.m. eastern time on June 17, 2024. *GRANTS.GOV* attaches a time stamp to each application at the time of submission. Mail and fax submissions will not be accepted.

Within 48 hours after submitting an electronic application, the applicant should receive an email message from *GRANTS.GOV* with confirmation of successful transmission to *GRANTS.GOV*. If a notice of failed validation or incomplete materials is received, the applicant must address the reason for the failed validation, as described in the email notice, and resubmit before the submission deadline. If making a resubmission for any reason, include all original attachments regardless of which attachments were updated and check the box on the supplemental form indicating this is a resubmission.

FTA urges applicants to submit applications at least 72 hours prior to the due date to allow time to receive the validation messages and to correct any problems that may have caused a rejection notification. *GRANTS.GOV* scheduled maintenance and outage times are announced on the *GRANTS.GOV* website. Deadlines will not be extended due to scheduled website maintenance.

Applicants are encouraged to begin the process of registration on the *GRANTS.GOV* site well in advance of the submission deadline. Registration is a multi-step process, which may take several weeks to complete before an application can be submitted. Registered applicants may still be required to take steps to keep their registration up to date before submissions can be made successfully as (1) registration in SAM is renewed annually; and (2) persons making submissions on behalf of the Authorized Organization Representative (AOR) must be authorized in *GRANTS.GOV* by the AOR to make submissions.

5. Funding Restrictions

Funds made available under the Passenger Ferry Program and Low-No Ferry Program may not be used to fund operating expenses, planning, or preventive maintenance. Any project that does not include the purchase, construction, replacement, or rehabilitation of ferries, terminals, related infrastructure, or related equipment is not eligible. Applicants to the Rural Ferry Program may apply for capital, operating, or planning assistance, except as described above.

Except for a continuation of projects funded under the FY 2022 or FY 2023 Rural Ferry Program, funds made available under this NOFO cannot be used to reimburse applicants for otherwise eligible expenses incurred prior to the posting of project selections on FTA's website and the corresponding issuance of pre-award authority. Allowable direct and indirect expenses must be consistent with the Government-wide Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR part 200) and FTA Circular 5010.1E (*https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/award-management-requirements-circular-50101e*).

As required by statute, an eligible ferry service that receives funds from a state under the Rural Ferry Program shall not be attributed to an urbanized area for purposes of apportioning funds under chapter 53 of title 49, U.S. Code. In addition, an eligible service that receives funds from a state under the Rural Ferry Program shall not receive funds apportioned under section 5336 or 5337 of title 49, U.S. Code, in the same fiscal year.

6. Other Submission Requirements

Applicants are encouraged to identify scaled funding options in case insufficient funding is available to fund a project at the full requested amount. If an applicant advises that a project is scalable, the applicant must provide an appropriate minimum funding amount that will fund an eligible project that achieves the objectives of the program and meets all relevant program requirements. The applicant must provide a clear explanation of how the project budget would be affected by a reduced award. FTA may award a lesser amount whether or not a scalable option is provided.

The Department may share application information within the Department or with other Federal agencies if the Department determines that sharing is relevant to the respective program's objectives.

E. Application Review Information

1. Criteria

Projects will be evaluated primarily on the responses provided in the supplemental form. Additional information may be provided to support the responses; however, any additional documentation must be directly referenced on the supplemental form, including the file name where the additional information can be found. FTA will evaluate project proposals based on the criteria described in this notice.

a. Demonstration of Need

Applications for capital expenses to the Passenger Ferry Program, Low-No Ferry Program, or Rural Ferry Program will be evaluated based on the quality and extent to which they demonstrate how the proposed project will address an unmet need for capital investment in passenger ferry vehicles, equipment, or facilities. FTA will also evaluate the project's impact on service delivery and whether the project represents a one-time or periodic need that cannot reasonably be funded from FTA formula program allocations or State or local resources. In evaluating applications, FTA will consider, among other factors, certain project-specific criteria as outlined below:

i. For vessel replacement or rehabilitation projects (including low or zero-emission ferries or electric and low-emitting ferries)

- The age of the asset to be replaced or rehabilitated by the proposed project, relative to its useful life—those applicants that are already FTA grantees should reference the useful life benchmark for the vehicles to be replaced identified in their Transit Asset Management Plan and reported to the National Transit Database. Those applicants should also describe how replacing the vehicle will help them meet the state of good repair performance targets set in their Transit Asset Management (TAM) Plan.
- The condition of the asset to be replaced by the proposed project, as ascertained through inspections or otherwise, if available.

ii. For facility infrastructure improvements or related-equipment acquisitions:

- The age of the facility or equipment to be rehabilitated or replaced, relative to its useful life—those applicants that are already FTA grantees should reference the condition of the facility as reported to the National Transit Database and how the project will help meet the state of good repair performance targets in the Transit Asset Management (TAM) Plan.
- The degree to which the proposed project will enable the agency to improve the maintenance and condition of the agency's fleet or related ferry assets.

iii. For vessel or facility-related expansion or new service requests:

- The degree to which the proposed project addresses a current capacity constraint that is limiting the ability of the agency to provide reliable service, meet ridership demands, or maintain vessels and related equipment.
- The degree to which the proposed new service is supported by ridership demand.

iv. For operating projects under the Rural Ferry Program:

- The degree to which the application addresses how additional operating resources will lead to more reliable or improved service, or meet additional service demands.
- The financial need demonstrated by the applicant, including actual or projected need to maintain or initiate ferry service and a description of how existing operating resources are insufficient to meet the need.
- For expansion operating projects, projected ridership on the new service and the methodology used by the applicant to determine the projection.

v. For planning projects under the Rural Ferry Program:

- The degree to which the application addresses how planning resources will lead to more reliable or improved service, or meet additional service demands.

b. Demonstration of Benefits

All applications will be evaluated based on how the ferry project will accomplish one or more of the following: (1) improve the state of good repair and/or safety of the overall ferry system, (2) sustain or provide additional transportation options that foster community development and access to economic opportunities, and/or (3) sustain or improve the quality of transit service to underserved communities.

Additionally, all applications will be evaluated on their support for walk-on passengers. Walk-on passengers are defined as passengers who board the vessel unaccompanied by any motor vehicle in which they may have arrived at the ferry terminal, and which remains behind after ferry departure. The support for walk-on passengers will be evaluated as follows:

For replacement or rehabilitation projects, benefits will be evaluated in part based on the percentage of riders that are walk-on compared to passengers using the service to transport automobiles.

For expansion projects, benefits will be evaluated in part based on what convenient infrastructure is provided at the origin and destination of the service and at any intermediary stops that supports transit and intercity bus riders, pedestrians, or bicycles. Supporting documentation should include data that demonstrates the number of trips (passengers and vehicles), the number of walk-on passengers, and the frequency of transfers to other modes, if applicable.

In addition to the above elements, projects for low- or zero-emission ferries under any program or projects for operating assistance under the Rural Ferry program will be evaluated as follows:

For low- or zero-emission ferries, applicants should demonstrate how the proposed ferries or infrastructure will reduce the emission of particulates and other pollutants that create local air pollution, which leads to local environmental health concerns, smog, and unhealthy ozone concentrations. Applicants should also demonstrate how the proposed ferries or infrastructure will reduce emissions of greenhouse gases from ferry operations. Projects that propose the use of zero-emission ferries and related infrastructure for producing zero onboard emissions during normal operations will be more competitive.

For operating projects under the Rural Ferry Program, applicants should address and document how the requested operating funds will be used to augment, and not replace, existing state or local operating funds.

c. Planning and Local/Regional Prioritization

Applicants that are already FTA recipients and are seeking a capital grant should demonstrate that the project is included in the investment prioritization of their Transit Asset Management (TAM) Plan.

Applicants must demonstrate how the proposed project is consistent with local and regional planning documents and identified priorities. This will involve assessing whether the project is consistent with the transit priorities identified in the long-range transportation plan and the State and Metropolitan Transportation Improvement Program (STIP/TIP). Applicants should note if the project could not be included in the financially constrained STIP or TIP due to lack of funding, and if selected that the project can be added to the federally approved STIP before grant award.

FTA encourages applicants to demonstrate state or local support by including letters of support from State departments of transportation, local transit agencies, local government officials and public agencies, local non-profit or private sector organizations, and other relevant stakeholders. Applications that include letters of support will be viewed more favorably than those that do not. For FTA to fully consider a letter of support, the letter must be included in the application package. In an area with both ferry and other public transit operators, FTA will evaluate whether project proposals demonstrate coordination with and support of other related projects within the applicant's Metropolitan Planning Organization (MPO) or the geographic region within which the proposed project will operate.

d. Local Financial Commitment

Applicants must identify the source of the local cost share and describe whether such funds are currently available for the project or will need to be secured if the project is selected for funding. FTA will consider the availability of the local cost share as evidence of local financial commitment to the project. Additional consideration will be given to those projects for which local funds have already been made available or reserved. Applicants should submit evidence of the availability of funds for the project, by including, for example, a board resolution, letter of support from the State, a budget document highlighting the line item or section committing funds to the proposed project, or other documentation of the source of non-Federal funds.

An applicant may provide documentation of previous and recent local investments in the project, which cannot be used to satisfy non-Federal matching requirements, as evidence of local financial commitment.

Applicants that request a Federal share for a capital project greater than 80 percent must clearly explain why the project is eligible for the proposed Federal share. For planning projects under the Rural Ferry Program, the Federal share may not exceed 80

percent. For operating projects under the Rural Ferry Program, there is no maximum Federal share to a grant awarded under this program, however, the applicant must maintain the non-Federal funding levels described in section C of this notice.

e. Project Implementation Strategy

Projects will be evaluated based on the extent to which the project is ready to implement within a reasonable period of time and whether the applicant's proposed implementation plans are reasonable and complete.

In assessing whether the project is ready to implement within a reasonable period of time, FTA will consider whether the project qualifies for a Categorical Exclusion, or whether the required environmental work has been initiated or completed for projects that require an Environmental Assessment or Environmental Impact Statement under the National Environmental Policy Act of 1969. As such, applicants should submit information describing the project's anticipated path and timeline through the environmental review process. If the project will qualify as a Categorical Exclusion, the applicant must say so explicitly in the application. The proposal must also state whether grant funds can be obligated within 12 months from time of award, if selected, and if necessary, the timeframe under which the TIP and STIP can be amended to include the proposed project. Additional consideration will be given to projects for which grant funds can be obligated within 12 months from time of award.

In assessing whether the proposed implementation plans are reasonable and complete, FTA will review the proposed project implementation plan, including all necessary project milestones and the overall project timeline. For projects that will require formal coordination, approvals, or permits from other agencies or project partners, the applicant must demonstrate coordination with these organizations and their support for the project, such as through letters of support.

f. Technical, Legal, and Financial Capacity

Applicants must demonstrate that they have the technical, legal, and financial capacity to undertake the project. FTA will review relevant oversight assessments and records to determine whether there are any outstanding legal, technical, or financial issues with the applicant that would affect the outcome of the proposed project. Additional information on the compliance requirements for these grants appears later in this notice.

Applicants with outstanding legal, technical, or financial compliance issues from an FTA compliance review or FTA grant-related Single Audit finding must explain how corrective actions taken will mitigate negative impacts on the project.

2. Review and Selection Process

FTA technical evaluation committees will evaluate proposals using the project evaluation criteria. FTA staff may request additional information from applicants, if necessary. After consideration of the findings of the technical evaluation committees, FTA will determine the final selection of projects for program funding. In determining the allocation of program funds, FTA may consider geographic diversity, diversity in the size of the transit systems receiving funding, walk-on vs. vehicle boardings for the impacted service, and the applicant's receipt of other competitive awards. FTA will also consider whether the project will include low or zero-emission ferries, including ferries using electric battery or fuel cell components and the infrastructure to support such ferries. FTA may consider capping the amount a single applicant may receive.

After applying the above criteria, to address climate change and sustainability, FTA will give priority consideration to applications that are expected to create significant community benefits relating to the environment, including those projects that incorporate low or no emission technology or specific elements to address greenhouse gas emissions and climate change impacts. For facility projects, FTA will give priority consideration to applications that include elements to strengthen the resilience of the community and/or the transit system with regard to climate change.

FTA will also provide priority consideration for applicants that describe how their projects support workforce development, job quality, and wealth creation as follows:

Applicants for facility projects should identify whether they will commit to registered apprenticeship positions and use apprentices on the funded project, sometimes called an apprenticeship utilization requirement (*e.g.,* requiring that a certain percent of all labor hours will be performed by registered apprentices). Applicants should also detail partnerships with high-quality workforce development programs with supportive services [2] to help train, place, and retain underrepresented communities in jobs and registered apprenticeships on the project.

In addition to the above, facility projects over $35 million in total project cost, should identify whether the project will use a Project Labor/Community Workforce Agreement and whether the recipient commits to participate in the U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) Mega Construction Project Program if selected by OFCCP (see F.2.e. *Federal Contract Compliance*).

FTA will also give priority consideration to projects that support the goals of the Justice40 Initiative, *https://www.transportation.gov/equity-Justice40.* In support of Executive Order 14008, applicants are encouraged to use the White House definition of ''Historically Disadvantaged Communities'' as part of USDOT's implementation of the Justice40 Initiative. Consistent with the Interim Implementation Guidance and its Addendum for the Justice40 Initiative, Historically Disadvantaged Communities include (a) certain qualifying census tracts identified as disadvantaged by the Climate and Economic Justice Screening Tool (CEJST): *https://screeningtool.geoplatform.gov/* due to categories of environmental, climate, and socioeconomic burdens, and (b) any Federally Recognized Tribes or tribal entities, whether or not they have land. CEJST is a tool created by the White House Council on Environmental Quality (CEQ), that aims to help Federal agencies identify disadvantaged communities as part of the Justice40 Initiative to accomplish the goal that 40 percent of overall benefits from certain Federal investments reach disadvantaged communities. See *https://screeningtool.geoplatform.gov/.* Applicants should use the CEJST as the primary tool to identify disadvantaged communities (also referred to as Justice40 communities).

Applicants are strongly encouraged to also use the USDOT Equitable Transportation Community (ETC) Explorer to understand how their community or project area is experiencing disadvantage related to lack of transportation investments or

[2] Supportive services are critical to help women and people facing systemic barriers to employment be able to participate and thrive in training and employment. Supportive services may include dependent care, tools, work clothing, application fees and other costs of apprenticeship or required pre-employment training, transportation and travel to training and work sites, and services aimed at helping to retain underrepresented groups such as mentoring, support groups, and peer networking.

opportunities and are encouraged to use this information in their application to demonstrate how their project will reduce, reverse, or mitigate the burdens of disadvantage. *https://www.transportation.gov/priorities/equity/justice40/etc-explorer.*

Due to funding limitations, projects that are selected for funding may receive less than the amount originally requested, even if an application did not present a scaled project option. In those cases, applicants must be able to demonstrate that the proposed projects are still viable and can be completed with the amount awarded.

3. Integrity and Performance Review

Prior to making an award with a total amount of Federal share greater than the simplified acquisition threshold (currently $250,000), FTA is required to review and consider any information about the applicant that is in the Federal Awardee Performance and Integrity Information Systems (FAPIIS) accessible through SAM.GOV. An applicant may review and comment on information about itself that a Federal awarding agency previously entered. FTA will consider any comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in 2 CFR 200.206.

F. Federal Award Administration Information

1. Federal Award Notices

Final project selections will be posted on the FTA website. Only proposals from eligible recipients for eligible activities will be considered for funding. There is no minimum or maximum grant award amount; however, FTA intends to fund as many meritorious projects as possible. Due to funding limitations, projects that are selected for funding may receive less than the amount originally requested. In those cases, applicants must be able to demonstrate that the proposed projects are still viable and can be completed with the amount awarded.

Recipients should contact their FTA Regional Office (*https://www.transit.dot.gov/about/regional-offices/regional-offices*) for additional information regarding allocations for projects under the Ferry Programs.

2. Administrative and National Policy Requirements

a. Pre-Award Authority

At the time the project selections are announced, FTA will extend pre-award authority for the selected projects consistent with 2 CFR 200.458. Except for continuations of projects selected under the FY 2023 Rural Ferry Program, there is no blanket pre-award authority for these projects before announcement, and pre-award authority cannot be used prior to FTA issuance of pre-award authority. Note, for projects selected under the FY 2022 and FY 2023 Rural Ferry Program, pre-award authority is only permissible for activities included and approved in the application submitted to that competition. FTA does not provide pre-award authority for competitive funds until projects are selected and even then, there are Federal requirements that must be met before costs are incurred. For more information about FTA's policy on pre-award authority, please see FTA's most recent Apportionment Notice.

b. Grant Requirements

If selected, awardees will apply for a grant through FTA's Transit Award Management System (TrAMS). All Passenger Ferry Program recipients and urbanized area Low-No Ferry Program recipients are subject to the grant requirements of the Urbanized Area Formula Grant program (49 U.S.C. 5307). All rural area Low-No Ferry and Rural Ferry Program recipients are subject to the grant requirements of the Rural Area Formula Grant Program (49 U.S.C. 5311). Awardees are also subject to the following as applicable: FTA's Master Agreement for financial assistance awards, the annual Certifications and Assurances required of applicants, FTA Circular ''Urbanized Area Formula Program: Program Guidance and Application Instructions'' (FTA.C.9030.1E) or FTA Circular ''Formula Grants for Rural Areas'' (FTA.C.9040.1G). All recipients must also follow the FTA Award Management Requirements Circular (FTA.C.5010.1) and the labor protections required by Federal public transportation law (49 U.S.C. 5333(b)). All these documents are available on FTA's website. Technical assistance regarding these requirements is available from each FTA regional office.

By submitting a grant application, the applicant assures that it will comply with all applicable Federal statutes, regulations, executive orders, directives, FTA circulars and other Federal administrative requirements in carrying out any project supported by the FTA grant, including the Davis-Bacon Act (40 U.S.C. 3141–3144, and 3146–3148) as supplemented by Department of Labor regulations (29 CFR part 5, ''Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction''). Further, the applicant acknowledges that it is under a continuing obligation to comply with the terms and conditions of the grant agreement issued for its project with FTA. The applicant understands that Federal laws, regulations, policies, and administrative practices might be modified from time to time and may affect the implementation of the project. The applicant agrees that the most recent Federal requirements will apply to the project unless FTA issues a written determination otherwise. The applicant must submit the Certifications and Assurances before receiving a grant if it does not have current certifications on file.

As authorized by section 25019 of the BIL, applicants are encouraged to implement a local or other geographical or economic hiring preference relating to the use of labor for construction of a project funded by the grant, including pre-hire agreements, subject to any applicable State and local laws, policies, and procedures.

c. Buy America and Domestic Preferences for Infrastructure Projects

As expressed in Executive Order 14005, ''Ensuring the Future Is Made in All of America by All of America's Workers'' (86 FR 7475), the Executive Branch should maximize, consistent with law, the use of goods, products, and materials produced in, and services offered in, the United States. Therefore, all capital procurements must comply with FTA's Buy America requirements (49 U.S.C. 5323(j)), which require that all iron, steel, and manufactured products be produced in the United States. In addition, any award must comply with the Build America, Buy America Act (BABA) (Pub. L. 117–58, sections 70901–27). BABA provides that none of the funds provided under an award made pursuant to this notice may be used for a project unless all iron, steel, manufactured products, and construction materials are produced in the United States. FTA's Buy America requirements are consistent with BABA requirements for iron, steel, and manufactured products.

Any proposal that will require a waiver of any domestic preference standard must identify the items for which a waiver will be sought in the application. Applicants should not proceed with the expectation that waivers will be granted.

d. Civil Rights and Title VI

As a condition of a grant award, grant recipients should demonstrate that the recipient has a plan for compliance with civil rights obligations and nondiscrimination laws, including Title VI of the Civil Rights Act of 1964 (49 CFR part 21), the Americans with Disabilities Act of 1990 (ADA) (49 CFR parts 37, 38, and 39), section 504 of the Rehabilitation Act, other civil rights requirements, and all implementing regulations. This should include a current Title VI plan, completed Community Participation Plan (alternatively called a Public Participation Plan and often part of the overall Title VI program plan), if applicable. DOT's and the applicable Operating Administrations' Office of Civil Rights may work with awarded grant recipients to ensure full compliance with Federal civil rights requirements.

e. Disadvantaged Business Enterprise

Recipients of planning, capital, or operating assistance that will award prime contracts (excluding transit vehicle purchases), the cumulative total of which exceeds $250,000 in FTA funds in a Federal fiscal year, must comply with the Disadvantaged Business Enterprise (DBE) program regulations (49 CFR part 26). Projects that include ferry acquisitions are subject to the transit vehicle manufacturer (TVM) rule of the Disadvantaged Business Enterprise (DBE) program regulations (49 CFR 26.49). The TVM rule requires recipients procuring transit vehicles, including ferries, to limit eligible bidders to certified TVMs. To become a certified TVM, a manufacturer of transit vehicles must submit a DBE program plan and annual goal to FTA for approval. A list of certified TVMs is posted on FTA's web page at *https://www.transit.dot.gov/TVM.* Recipients should contact FTA before accepting bids from entities not appearing on this list. In lieu of restricting eligibility to certified TVMs, a recipient may, with FTA's approval, establish project-specific goals for DBE participation in the procurement of transit vehicles. For more information on DBE requirements, please contact Monica McCallum, FTA Office of Civil Rights, 206–220–7519, *Monica.McCallum@dot.gov.*

f. Federal Contract Compliance

As a condition of grant award and consistent with E.O. 11246, *Equal Employment Opportunity* (30 FR 12319, and as amended), all Federally-assisted construction contractors are required to make good faith efforts to meet the goals of 6.9 percent of construction project hours being performed by women, in addition to goals that vary based on geography for construction work hours and for work being performed by people of color. Under section 503 of the Rehabilitation Act and its implementing regulations, affirmative action obligations for certain contractors include an aspirational employment goal of 7 percent workers with disabilities.

The U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) is charged with enforcing Executive Order 11246, section 503 of the Rehabilitation Act of 1973, and the Vietnam Era Veterans' Readjustment Assistance Act of 1974. OFCCP has a Mega Construction Project Program through which it engages with project sponsors as early as the design phase to help promote compliance with non-discrimination and affirmative action obligations. OFCCP may identify construction projects that receive an award under this notice that have a project cost above $35 million to participate in OFCCP's Mega Construction Project Program. If selected and the applicant agrees to participate, OFCCP will ask selected project sponsors to make clear to prime contractors in the pre-bid phase that award terms may require their participation in the Mega Construction Project Program. Additional information on how OFCCP makes their selections for participation in the Mega Construction Project Program is outlined under ''Scheduling'' on the Department of Labor website: *https://www.dol.gov/agencies/ofccp/faqs/construction-compliance.* As authorized by section 25019 of the BIL, applicants are encouraged to implement a local or other geographical or economic hiring preference relating to the use of labor for construction of a project funded by the grant, including pre-hire agreements, subject to any applicable State and local laws, policies, and procedures.

g. Critical Infrastructure Security, Cybersecurity, and Resilience

It is the policy of the United States to strengthen the security and resilience of its critical infrastructure against all hazards, including physical and cyber risks, consistent with Presidential Policy Directive 21—Critical Infrastructure Security and Resilience, and the National Security Memorandum on Improving Cybersecurity for Critical Infrastructure Control Systems. Each applicant selected for Federal funding must demonstrate, prior to the signing of the grant agreement, effort to consider and address physical and cyber security risks relevant to the transportation mode and type and scale of the project. Projects that have not appropriately considered and addressed physical and cyber security and resilience in their planning, design, and project oversight, as determined by the Department and the Department of Homeland Security, will be required to do so before receiving funds. FTA implements this requirement as follows:

Pursuant to 49 U.S.C. 5323(v), a recipient that operates a rail fixed guideway public transportation system must certify that the recipient has established a process to develop, maintain, and execute a written plan for identifying and reducing cybersecurity risks. Recipients subject to this requirement must:

1. Utilize the approach described by the voluntary standards and best practices developed under section 2(c)(15) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)(15)), as applicable;

2. Identify hardware and software that the recipient determines should undergo third-party testing and analysis to mitigate cybersecurity risks, such as hardware or software for rail rolling stock under proposed procurements; and

3. Utilize the approach described in any voluntary standards and best practices for rail fixed guideway public transportation systems developed under the authority of the Secretary of Homeland Security, as applicable.

For information about standards or practices that may apply to a rail fixed guideway public transportation system, visit *https://www.nist.gov/cyberframework* and *https://www.cisa.gov/.*

TSA issued Security Directive 1582–21–01B, ''Enhancing Public Transportation and Passenger Railroad Cybersecurity'' on October 24, 2023. The Security Directive, which extends previous Security Directives, applies to all public passenger rail owners and operators identified in 49 CFR 1582.101, requires four critical actions:

1. Designate a cybersecurity coordinator who is required to be available to TSA and the DHS's CISA at all times (all hours/all days) to coordinate implementation of cybersecurity practices, and manage of security incidents, and serve as a principal point of contact with TSA and CISA for cybersecurity-related matters;

2. Report cybersecurity incidents to CISA;

3. Develop a Cybersecurity Incident Response Plan to reduce the risk of operational disruption should their

Information and/or operational technology systems be affected by a cybersecurity incident; and

4. Conduct a cybersecurity vulnerability assessment using the form provided by TSA and submit the form to TSA. The vulnerability assessment will include an assessment of current practices and activities to address cyber risks to information and operational technology systems, identify gaps in current cybersecurity measures, and identify remediation measures and a plan for the owner/operator to implement the remediation measures to address any vulnerabilities and gaps.

Applicants subject to the Directive must certify compliance with the directive to receive the grant award.

In addition, TSA issued IC–2021–01, ''Enhancing Surface Transportation Cybersecurity'', dated December 31, 2021, which applies to each passenger railroad, public transportation agency, or rail transit system owner/operator identified in 49 CFR 1582.1. This circular provides the same four recommendations for enhancing cybersecurity practices listed above. While this document is guidance and does not impose any mandatory requirements, TSA strongly recommends the adoption of the measures set forth in the circular.

Finally, on February 10, 2023, FTA published a Cybersecurity Assessment Tool for Transit (CATT) (*https://www.transit.dot.gov/research-innovation/cybersecurity-assessment-tool-transit-catt*). This tool was developed with the goal to onboard public transit organizations to develop and strengthen their cybersecurity program to identify risks and prioritize activities to mitigate these risks.

h. Planning

FTA encourages applicants to notify the appropriate State Departments of Transportation and MPOs in areas likely to be served by the project funds made available under these initiatives and programs. Selected projects must be incorporated into the long-range plans and transportation improvement programs of States and metropolitan areas before they are eligible for FTA funding. As described under the evaluation criteria, FTA will consider whether a project is consistent with or already included in these plans when evaluating a project.

i. Standard Assurances

The applicant assures that it will comply with all applicable Federal statutes, regulations, executive orders, directives, FTA circulars, and other Federal administrative requirements in carrying out any project supported by the FTA grant. The applicant acknowledges that it is under a continuing obligation to comply with the terms and conditions of the grant agreement issued for its project with FTA. The applicant understands that Federal laws, regulations, policies, and administrative practices might be modified from time to time and may affect the implementation of the project. The applicant agrees that the most recent Federal requirements will apply to the project, unless FTA issues a written determination otherwise. The applicant must submit the Certifications and Assurances before receiving a grant if it does not have current certifications on file.

j. Performance and Program Evaluation

As a condition of grant award, grant recipients may be required to participate in an evaluation undertaken by DOT or another agency or partner. The evaluation may take different forms such as an implementation assessment across grant recipients, an impact and/or outcomes analysis of all or selected sites within or across grant recipients, or a benefit/cost analysis or assessment of return on investment. As a part of the evaluation, as a condition of award, grant recipients must agree to: (1) make records available to the evaluation contractor or DOT staff; (2) provide access to program records, and any other relevant documents to calculate costs and benefits; (3) in the case of an impact analysis, facilitate the access to relevant information as requested; and (4) follow evaluation procedures as specified by the evaluation contractor or DOT staff.

Recipients and subrecipients are also encouraged to incorporate program evaluation including associated data collection activities from the outset of their program design and implementation to meaningfully document and measure their progress towards meeting an agency priority goal(s). Title I of the Foundations for Evidence-Based Policymaking Act of 2018 (Evidence Act), Public Law 115–435, urges Federal awarding agencies and Federal assistance recipients and subrecipients to use program evaluation as a critical tool to learn, to improve equitable delivery, and to elevate program service and delivery across the program lifecycle. Evaluation means ''an assessment using systematic data collection and analysis of one or more programs, policies, and organizations intended to assess their effectiveness and efficiency.'' 5 U.S.C. 311. Credible program evaluation activities are implemented with relevance and utility, rigor, independence and objectivity, transparency, and ethics (OMB Circular A–11, part 6 section 290).

k. Project Signage and Public Acknowledgements

Recipients are encouraged for construction and non-construction projects to post project signage and to include public acknowledgments in published and other collateral materials (*e.g.,* press releases, marketing materials, website, etc.) satisfactory in form and substance to DOT, that identifies the nature of the project and indicates that ''the project is funded by the Bipartisan Infrastructure Law.'' In addition, recipients employing project signage are required to use the official Investing in America emblem in accordance with the Official Investing in America Emblem Style Guide. Costs associated with signage and public acknowledgments must be reasonable and limited. Signs or public acknowledgments should not be produced, displayed, or published if doing so results in unreasonable cost, expense, or recipient burden. The Recipient is encouraged to use recycled or recovered materials when procuring signs.

3. Reporting

Post-award reporting requirements include the electronic submission of Federal Financial Reports and Milestone Progress Reports. Applicants should include goals, targets, and indicators referenced in their applications to the project in the Executive Summary of the TrAMS application. Recipients or beneficiaries of funds made available through this NOFO are also required to regularly submit data to the National Transit Database. National Transit Database reports include total sources of revenue and complete expenditure reports for all public transportation operations, not just those funded by this project. Applicants partnering with a private operator should ensure that the private operator will meet all the comprehensive reporting requirements of the National Transit Database.

FTA is committed to making evidence-based decisions guided by the best available science and data. In accordance with the Foundations for Evidence-based Policymaking Act of 2018, FTA may use information submitted in discretionary funding applications; information in FTA's Transit Award Management System (TrAMS), including grant applications, Milestone Progress Reports (MPRs), Federal Financial Reports (FFRs); transit service, ridership and operational data submitted in FTA's National Transit Database; documentation and results of

FTA oversight reviews, including triennial and state management reviews; and other publicly available sources of data to build evidence to support policy, budget, operational, regulatory, and management processes and decisions affecting FTA's grant programs.

As part of completing the annual certifications and assurances required of FTA grant recipients, a successful applicant must report on the suspension or debarment status of itself and its principals. If the award recipient's active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds $10,000,000 for any period of time during the period of performance of an award made pursuant to this Notice, the recipient must comply with the Recipient Integrity and Performance Matters reporting requirements described in appendix XII to 2 CFR part 200.

G. Federal Awarding Agency Contacts

For further information concerning this notice, please contact *FTAFerryPrograms@dot.gov,* or Vanessa Williams, by phone at (202)-366–4818 or Sarah Clements at (202) 366–3062. A TDD is available for individuals who are deaf or hard of hearing at 800–877–8339. In addition, FTA will post answers to questions and requests for clarifications on FTA's website at *https://www.transit.dot.gov/grants/fta-ferry-programs.* To ensure receipt of accurate information about eligibility or the program, the applicant is encouraged to contact FTA directly, rather than through intermediaries or third parties.

For issues with *GRANTS.GOV*, please contact *GRANTS.GOV* by phone at 1–800–518–4726 or by email at *support@grants.gov.* Contact information for FTA's regional offices can be found on FTA's website at *https://www.transit.dot.gov/about/regional-offices/regional-offices.*

H. Other Information

User-friendly information and resources regarding DOT's discretionary grant programs relevant to rural applicants can be found on the Rural Opportunities to Use Transportation for Economic Success (ROUTES) website at *https://www.transportation.gov/rural.*

This program is not subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.'' FTA will consider applications for funding only from eligible recipients for eligible projects listed in section C.

All information submitted as part of or in support of any application shall use publicly available data or data that can be made public and methodologies that are accepted by industry practice and standards, to the extent possible. If an applicant submits information the applicant considers to be a trade secret or confidential commercial or financial information, the applicant must provide that information in a separate document, which the applicant may reference from the application narrative or other portions of the application. For the separate document containing confidential information, the applicant must do the following: (1) state on the cover of that document that it ''Contains Confidential Business Information (CBI);'' (2) mark each page that contains confidential information with ''CBI;'' and (3) highlight or otherwise denote the confidential content on each page. If FTA receives a Freedom of Information Act (FOIA) request for information marked as confidential business, commercial or financial information, FTA will provide notice according to DOT's FOIA regulation at 49 CFR 7.29. Only information that is segregated and marked in accordance with this section will be considered for said exemption under FOIA.

Veronica Vanterpool,

Acting Administrator.

[FR Doc. 2024–07845 Filed 4–16–24; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Action

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 updating one person's entry on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List). All property and interests in property subject to U.S. jurisdiction of this person are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: OFAC: 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 Compliance & Evaluation, tel.: 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List (SDN List) and additional information concerning OFAC sanctions programs are available on OFAC's website (*https://www.treasury.gov/ofac*).

Notice of OFAC Actions

On April 12, 2024, OFAC amended the following individual's entry on the SDN List to correct a passport number. Therefore, the individual's entry in the SDN List is updated as identified below.

Individual

—From—

1. PERETYATKO, Ruslan Aleksandrovich (Cyrillic: ПЕРЕТЯТЬКО, Руслан Александрович), Syktyvkar, Komi Republic, Russia; DOB 03 Aug 1985; nationality Russia; Gender Male; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201; Passport 8708321052 (Russia); Tax ID No. 111601632100 (Russia) (individual) [CYBER2].

—To—

1. PERETYATKO, Ruslan Aleksandrovich (Cyrillic: ПЕРЕТЯТЬКО, Руслан Александрович), Syktyvkar, Komi Republic, Russia; DOB 03 Aug 1985; nationality Russia; Gender Male; Secondary sanctions risk: Ukraine-/Russia-Related Sanctions Regulations, 31 CFR 589.201; Passport 8705080546 (Russia); Tax ID No. 111601632100 (Russia) (individual) [CYBER2].

Dated: April 12, 2024.

Bradley T. Smith,

Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2024–08160 Filed 4–16–24; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Action

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 were removed from OFAC's Specially Designated Nationals and Blocked Persons List (SDN List).

DATES: See **SUPPLEMENTARY INFORMATION** section for applicable date(s).

FOR FURTHER INFORMATION CONTACT: OFAC: Bradley T. Smith, Director, tel.: 202–622–2490; Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website (*https://www.treasury.gov/ofac*).

Notice of OFAC Action(s)

On April 12, 2024, OFAC removed from the SDN List the persons listed below, which were subject to prohibitions imposed pursuant to Executive Order 14033 of June 8, 2021, ''Blocking Property and Suspending Entry into the United States of Certain Persons Contributing to the Destabilizing Situation in the Western Balkans,'' (E.O. 14033), 86 FR 31079 (June 10, 2021), 3 CFR 2021 Comp., p. 591. On April 12, 2024, OFAC determined that the circumstances no longer warrant the inclusion of the following persons on the SDN list under this authority. These persons are no longer subject to the blocking provisions of section 1(a) of E.O. 14033.

Individual

1. STANKOVIC, Slobodan, Bosnia and Herzegovina; DOB 01 Jan 1949; POB Banja Luka, Bosnia and Herzegovina; nationality Bosnia and Herzegovina; Gender Male (individual) [BALKANS–EO14033] (Linked To: DODIK, Milorad).

Entity

1. INTEGRAL INZENJERING A.D. LAKTASI (a.k.a. INTEGRAL INZENJERING A.D. INZENJERING–PROMET–EXPORT–IMPORT, LAKTASI; a.k.a. INTEGRAL INZENJERING PLC), Omladinska ulica 44, Laktasi 78250, Bosnia and Herzegovina; Organization Established Date 20 Nov 1989; Tax ID No. 440114505005 (Bosnia and Herzegovina); Registration Number 1–91–00 (Bosnia and Herzegovina) [BALKANS–EO14033] (Linked To: STANKOVIC, Slobodan).

Dated: April 12, 2024.

Bradley T. Smith,

Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2024–08165 Filed 4–16–24; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0089]

Agency Information Collection Activity Under OMB Review: Statement of Dependency of Parent(s)

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. 2900–0089.

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. 2900–0089'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 38 U.S.C. 102, 1315, and 501, 38 CFR 3.4 and 3.250.

Title: Statement of Dependency of Parent(s) (VA Form 21–509)

OMB Control Number: 2900–0089.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 21–509 is the prescribed form used by VBA to gather income and dependency information from claimants who are seeking payment of benefits as, or for dependent parent(s). VA Form 21–509 is used by a Veteran seeking to establish their parent(s) as dependent(s) and by a surviving parent seeking death compensation. This information is used to determine the dependency of the parent and make determinations which affect the payment of monetary benefits to the claimant. Without this information, determination of entitlement would not be possible. 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.

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 9916 on Monday, February 12, 2024.

Affected Public: Individuals or households.

Estimated Annual Burden: 3,653.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 7,306.

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. 2024–08090 Filed 4–16–24; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0788]

Agency Information Collection Activity Under OMB Review: Description of Materials

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, 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. 2900–0788.

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. 2900–0788'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: Public Law 104–13; 44 U.S.C. 3501–3521.

Title: Description of Materials, VA Form 26–1852.

OMB Control Number: 2900–0788.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 26–1852 is completed by builders in Specially Adapted Housing (SAH) projects involving construction as authorized under Title 38, U.S.C., section 2101 (a), section 2101 (b), and the Temporary Residence Adaptations (TRA) grant under Title 38, U.S.C., section 2102A. This form is also completed by builders who propose to construct homes to be purchased by veterans using their VA home loan benefit as granted in Title 38 U.S.C., section 3710(a)(1). SAH field staff review the data furnished on the form for completeness and it is essential to determine the acceptability of the construction materials to be used. In cases of new home construction, a technically qualified individual, not VA staff, is required to review the list of materials and certify they meet or exceed general residential construction material requirements, as specified by the International Residential Code and residential building codes adopted by local building authorities, and are in substantial conformity with VA Minimum Property requirements.

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: insert citation date: 89 FR 9917 on February 12, 2024, pages 9917 and 9918.

Affected Public: Private Sector.

Estimated Annual Burden: 1,122 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 2,244 per year for SAH cases it is 2,194 and Native American Direct Loan cases 50 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. 2024–08100 Filed 4–16–24; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Special Medical Advisory Group, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. ch. 10, that the Special Medical Advisory Group (the Committee) will meet on May 1–2, 2024, at the Board of Veterans Appeals, 425 I St. NW (Conference Room 4E.400) in Washington, DC 20001. The May meeting sessions will begin and end as follows:

Date	Time	Open session
May 1, 2024	9:00 a.m.–3:30 p.m. Eastern Time (ET)	Yes.

Date	Time	Open session
May 2, 2024	9:00 a.m.–11:30 a.m. ET	Yes.

Members of the Committee may join in person or virtually. The meeting is open to the public. The public is encouraged to attend virtually due to seating limitations in the physical meeting space.

The meeting can be joined by phone at 404–397–1596 (Access code: 28277800855) and via Webex at: *https://veteransaffairs.webex.com/veteransaffairs/j.php?MTID=md00680588f9b805956725e72d2778ecb.* Please contact the point of contact below for assistance connecting.

The purpose of the Committee is to advise the Secretary of Veterans Affairs and the Under Secretary for Health on the care and treatment of Veterans, and other matters pertinent to the Veterans Health Administration.

On May 1–2, 2024, the agenda for the meeting will include discussions on strategies for increasing access, budget execution, balance of care independent reporting, referral care coordination, maximizing tele-urgent care/emergent care and building off access sprints, artificial intelligence sprints and digital health tech sprints.

Members of the public may submit written statements in advance for review by the Committee to: Department of Veterans Affairs, Special Medical Advisory Group—Office of Under Secretary for Health (10), Veterans Health Administration, 810 Vermont Ave. NW, Washington, DC 20420 or by email at: *VASMAGDFO@va.gov.* Comments will be accepted until close of business on Wednesday, April 24, 2024. The meeting will also include time reserved for live public comment at the end of the meeting on May 2, 2024. The public comment period will be 30 minutes and each individual commenter will be afforded a maximum of five minutes to express their comments.

Any member of the public wishing to attend the meeting or seeking additional information should email *VASMAGDFO@va.gov* or call 202–461–7000.

Dated: April 11, 2024.

LaTonya L. Small,

Federal Advisory Committee Management Officer.

[FR Doc. 2024–08127 Filed 4–16–24; 8:45 am]

BILLING CODE P

FEDERAL REGISTER

Vol. 89 Wednesday,
No. 75 April 17, 2024

Part II

Department of Transportation

National Highway Traffic Safety Administration

49 CFR Part 571

Federal Motor Vehicle Safety Standards; Fuel System Integrity of Hydrogen Vehicles; Compressed Hydrogen Storage System Integrity; Incorporation by Reference; Proposed Rule

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA–2024–0006]

RIN 2127–AM40

Federal Motor Vehicle Safety Standards; Fuel System Integrity of Hydrogen Vehicles; Compressed Hydrogen Storage System Integrity; Incorporation by Reference

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to establish two new Federal Motor Vehicle Safety Standards (FMVSS) specifying performance requirements for all motor vehicles that use hydrogen as a fuel source. The proposed standards are based on Global Technical Regulation (GTR) No. 13. FMVSS No. 307, ''Fuel system integrity of hydrogen vehicles,'' which would specify requirements for the integrity of the fuel system in hydrogen vehicles during normal vehicle operations and after crashes. FMVSS No. 308, ''Compressed hydrogen storage system integrity,'' would specify requirements for the compressed hydrogen storage system to ensure the safe storage of hydrogen onboard vehicles. The two proposed standards would reduce deaths and injuries that could occur as a result of fires due to hydrogen fuel leakages and/ or explosion of the hydrogen storage system.

DATES: You should submit your comments early enough to be received not later than June 17, 2024. In compliance with the Paperwork Reduction Act, NHTSA is also seeking comment on a revision to an existing information collection. For additional information, see the Paperwork Reduction Act Section under the Regulatory Notices and Analyses section below. All comments relating to the information collection requirements should be submitted to NHTSA and to the Office of Management and Budget (OMB) at the address listed in the **ADDRESSES** section on or before June 17, 2024.

Proposed Effective Date: The date 180 days after the date of publication of the final rule in the **Federal Register**.

Proposed Compliance Date: The September 1st that is two years subsequent to the publication of the final rule.

ADDRESSES: You may submit comments to the docket number identified in the heading of this document by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.
- *Fax:* 202–493–2251.

Instructions: All submissions must include the agency name and docket number. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act discussion below. We will consider all comments received before the close of business on the comment closing date indicated above. To the extent possible, we will also consider comments filed after the closing date.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* at any time or to 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays. Telephone: 202–366–9826.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its decision-making process. DOT posts 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–14 FDMS), which can be reviewed at *www.transportation.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

Confidential Business Information: If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, NHTSA, at the address given under **FOR FURTHER INFORMATION CONTACT**. In addition, you should submit two copies, from which you have deleted the claimed confidential business information, to the Docket at the address given above. When you send a comment containing information claimed to be confidential business information, you should include a cover letter setting forth the information specified in our confidential business information regulation (49 CFR part 512).

FOR FURTHER INFORMATION CONTACT: For technical issues, Ian MacIntire, General Engineer Special Vehicles & Systems Division within the Division of Rulemaking, at (202) 493–0248 or *Ian.MacIntire@dot.gov.* For legal issues, Paul Connet, Attorney-Advisor, NHTSA Office of Chief Counsel, at (202) 366–5547 or *Paul.Connet@dot.gov.*

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I. Executive Summary

Vehicle manufacturers have continued to seek out renewable and clean alternative fuel sources to gasoline and diesel. Compressed hydrogen has emerged as a promising potential alternative because hydrogen is an abundant element in the atmosphere and does not produce tailpipe greenhouse gas emissions when used as

a motor fuel. However, hydrogen must be compressed to high-pressures to be an efficient motor fuel, and is also highly flammable, similar to other motor fuels. NHTSA has already set regulations ensuring the safe containment of other motor vehicle fuels such as gasoline in FMVSS No. 301 and compressed natural gas in FMVSS No. 304, and the fuel integrity systems of those systems in FMVSS No. 301 and FMVSS No. 303, respectively. No such standards currently exist in the United States covering vehicles that operate on hydrogen. Accordingly, this document proposes two new Federal Motor Vehicle Safety Standards (FMVSSs) to address safety concerns relating to storage and use of hydrogen in motor vehicles, and to align the safety regulations of hydrogen vehicles with vehicles that operate using other fuel sources. This proposed rule was developed in concert with efforts to harmonize hydrogen vehicle standards with international partners through the Global Technical Regulation (GTR) process, and if adopted, would harmonize the FMVSSs with GTR No. 13, Hydrogen and Fuel Cell Vehicles.

This document proposes the creation of two new safety standards: FMVSS No. 307, ''Fuel system integrity of hydrogen vehicles,'' and FMVSS No. 308, ''Compressed hydrogen storage system integrity.'' FMVSS No. 307 would regulate the integrity of the fuel system in hydrogen vehicles during normal vehicle operations and after crashes. To this end, it includes performance requirements for the hydrogen fuel system to mitigate hazards associated with hydrogen leakage and discharge from the fuel system, as well as post-crash restrictions on hydrogen leakage, concentration in enclosed spaces, container displacement, and fire. FMVSS No. 308 would regulate the compressed hydrogen storage system (CHSS) itself, and would primarily include performance requirements that would ensure the CHSS is unlikely to leak or burst during use, as well as requirements intended to ensure that hydrogen is safely expelled from the container when it is exposed to a fire. FMVSS No. 308 also specifies performance requirements for different closure devices in the CHSS.

NHTSA is proposing that FMVSS Nos. 307 and 308 apply to all motor vehicle that use compressed hydrogen gas as a fuel source to propel the vehicle, regardless of the vehicle's gross vehicle weight rating (GVWR). However, while FMVSS No. 307 fuel system integrity requirements during normal vehicle operations would apply to both light vehicles (vehicles with a GVWR of 4,536 kg or less) and to heavy vehicles (vehicles with a GVWR greater than 4,536 kg), FMVSS No. 307 post-crash fuel system integrity requirements would only apply to compressed hydrogen fueled light vehicles and to all compressed hydrogen fueled school buses regardless of GVWR.

While the proposed safety standards are drafted in accordance with GTR No. 13, there are differences between some proposed requirements and test procedures and GTR No. 13. This document highlights these differences and provides reasons for these differences in relevant sections of the preamble, and seeks public comment.

II. Background

A. Hydrogen Fueled Vehicles

1. Hydrogen as a Motor Fuel

In the pursuit of sustainable, renewable, and clean transportation, vehicle manufacturers have continued to expand their pursuits of hydrogen as an alternative fuel source for automobiles. Unlike their gasoline or diesel counterparts, hydrogen-powered vehicles (hydrogen vehicles) do not produce carbon dioxide or other emissions. Furthermore, in contrast with battery electric vehicles, hydrogen vehicles do not require extended recharging from an external electrical source. These advantages, coupled with the relative abundance of hydrogen, make hydrogen vehicles an intriguing alternative to vehicles already offered in the market.

Hydrogen vehicles harness the chemical energy within hydrogen using one of two methodologies. The first technique is similar to conventional internal combustion engines (ICE) powered by petroleum products. Hydrogen can be burned in a combustion engine and the energy released from this process used to move pistons that provide mechanical power to the vehicle. The second method utilizes a component called a fuel cell that converts the chemical energy in hydrogen into electricity. In this energy conversion process, hydrogen stored in the vehicle reacts with oxygen in the air to produce water and energy, in the form of electricity, which is then used to power the vehicle's mechanical operations. Hydrogen fuel cell vehicles (HFCVs), which are sometimes also referred to as fuel cell electric vehicles (FCEVs), are capable of continuous electrical generation so long as they have a steady supply of hydrogen fuel and oxygen.

One complicating factor of using hydrogen as a mobile fuel source is its relatively low energy density. Compared to gasoline, which has a mass density of 803 grams per liter at 15 °C, uncompressed hydrogen is extremely light, with a mass density of just 0.09 grams per liter at 15 °C, which means a vehicle operating on uncompressed hydrogen will have a significantly shorter range than a comparable gasoline-powered vehicle. To overcome this, hydrogen is compressed to a very high pressure of up to 70 megaPascals (MPa) while stored on a hydrogen vehicle.[1] Hydrogen compressed to 70 MPa at 15 °C has a volumetric energy density of 4.8 mega Joules per liter (MJ/L), which is similar in order of magnitude to gasoline's volumetric energy density of 32 MJ/L.[2 3]

While compressed hydrogen is an excellent fuel source due to its high energy density, its high storage pressure and wide limits of flammability (*i.e.,* concentrations at which a mixture of fuel and air is flammable) raise safety concerns. Specifically, hydrogen is flammable at concentrations ranging from 4 to 75 percent, by volume.[4] By contrast, gasoline limits of flammability when mixed with air are from 1.0 to 7.6 percent, by volume.[5] The velocity at which a hydrogen flame spreads at room temperature and atmospheric pressure is approximately 200 to 300 cm/s, whereas the velocity with which gasoline flames spread under the same conditions is approximately 40 cm/s.[6 7] These characteristics make hydrogen fuel sources more volatile than gasoline, and while NHTSA has existing FMVSS for gasoline vehicle fuel system integrity, no FMVSS yet apply to hydrogen storage and fuel systems. In particular, the safe use of hydrogen vehicles lies in preventing explosion of

[1] At atmospheric pressure and ambient temperature, hydrogen is in a gaseous state. The physical state of hydrogen can be changed from gas to liquid through compression and cryogenic cooling, so hydrogen can be stored in both compressed gaseous and liquid forms. However, hydrogen typically exists in gaseous form at essentially all normal usage and storage temperatures.

[2] *See* Patrick Molloy, ''Run on Less with Hydrogen Fuel Cells.'' RMI, Oct. 2, 2019, *https://rmi.org/run-on-less-with-hydrogen-fuel-cells/*.

[3] *See* Department of Energy Hydrogen and Fuel Cell Technologies Office, ''Hydrogen Storage,'' *https://www.energy.gov/eere/fuelcells/hydrogen-storage*.

[4] *See* Hydrogen Compared with Other Fuels, *https://h2tools.org/bestpractices/hydrogen-compared-other-fuels*.

[5] *Id.*

[6] *See* 6 Things to Remember about Hydrogen vs Natural Gas, *https://www.powereng.com/library/6-things-to-remember-about-hydrogen-vs-natural-gas*.

[7] *See* Combustion fuels: density, ignition temperature and flame speed, *https://thundersaidenergy.com/downloads/combustion-fuels-density-ignition-temperature-and-flame-speed/*.

the hydrogen container(s) and preventing leaks from the container(s) and fuel system which could lead to fire. Given the greater flammability of compressed hydrogen, safety standards applicable to their fuel system integrity are not only reasonable, but necessary.

Despite the promise offered by hydrogen vehicles, they are still a diminutive fraction of the fleet. For model year 2022, there were two light hydrogen vehicle models offered for sale in the United States, whose sales by volume represented approximately 0.03% of the overall light vehicle fleet. There were no medium-or heavy-duty [8] hydrogen vehicles offered for sale in the U.S. during the 2022 model year; [9] however, manufacturers continue to state their intentions to explore hydrogen across all fleets.

2. Hydrogen Vehicle Systems

Hydrogen vehicles—both fuel cell and ICE—share the same basic structure. Hydrogen enters the vehicle through the fueling receptacle, is stored in the CHSS, and is released from the CHSS as needed to power either the combustion engine or fuel cell where the energy stored in hydrogen is converted into mechanical.[10] Figure-1 below shows an example of a hydrogen fuel cell vehicle (HFCV).[11] A diagram of the main elements of a vehicle fuel system is shown in Figure-2.[12]

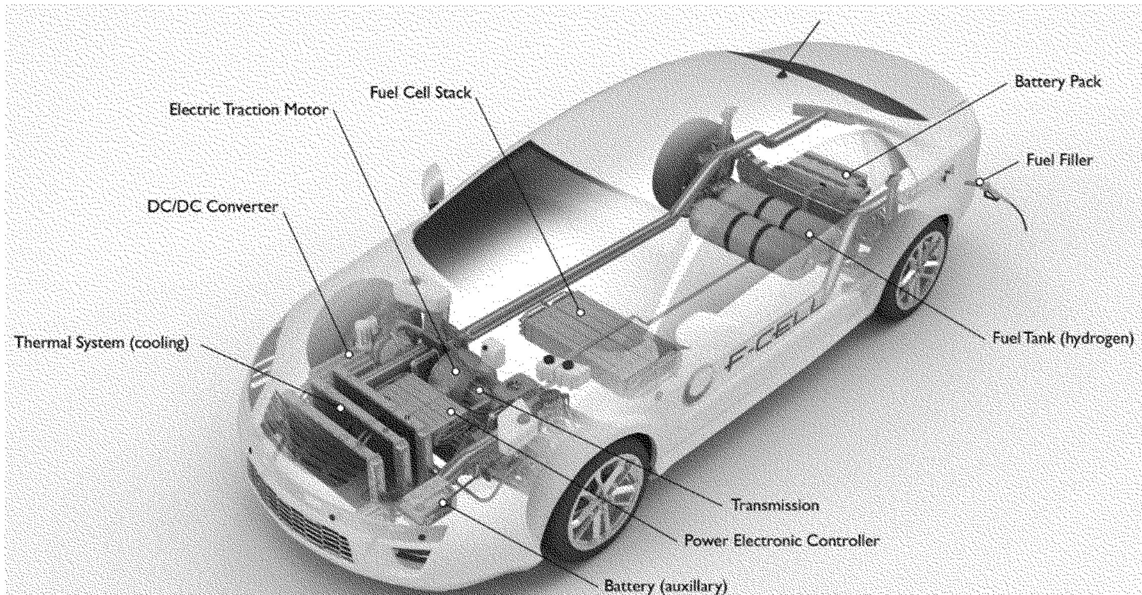
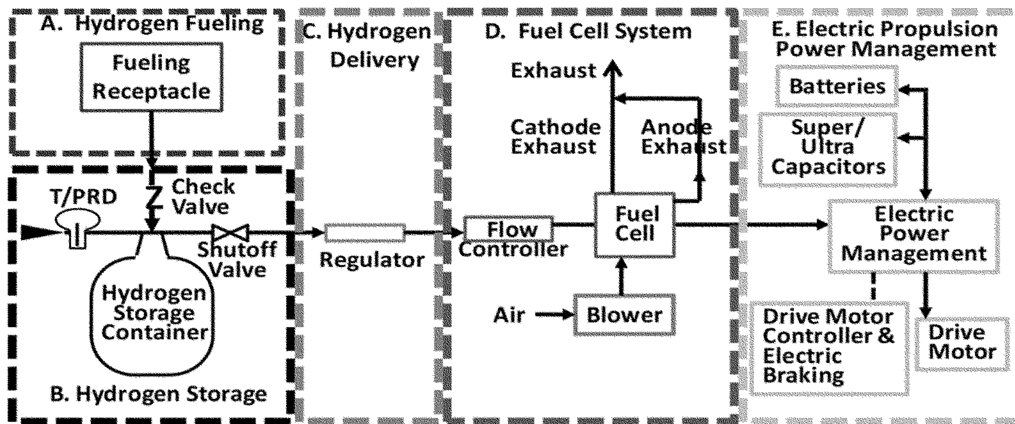


Figure-1: Example of a HFCV Design [13]



[8] Medium-duty vehicles have a gross vehicle weight rating (GVWR) greater than 4,536 kg and less than or equal to 11,793 kg. Heavy-duty vehicles have a GVWR greater than 11,793 kg.

[9] Toyota has a commercial bus called the Sora that is currently sold in Japan and Europe.

[10] The chemical energy stored in the hydrogen fuel is converted into electric energy by the fuel cell, and the resulting electric energy is then be converted into mechanical energy by electric drive motor(s), thereby propelling the vehicle.

[11] Note that the vehicle depicted is a fuel cell vehicle. For a hydrogen ICE vehicle, the fuel cell would be replaced with a combustion engine.

[12] Figure-2 shows the main elements of a HFCV fuel system. In the case of a hydrogen ICE vehicle, the fuel system would be replaced by the ICE, and the electric propulsion management system would be replaced by the vehicle powertrain.

[13] For further information on HFCV design, *see https://afdc.energy.gov/vehicles/fuel_cell.html,* and *https://afdc.energy.gov/vehicles/how-do-fuel-cell-electric-cars-work.*

Figure-2: A Schematic of a HFCV and Its Major Systems

a. CHSS

During fueling, hydrogen is supplied from the fueling station to the vehicle through the vehicle's fueling receptacle. The hydrogen then flows to the CHSS for storage in the hydrogen container(s). The key functions of the CHSS are to receive compressed hydrogen through a check valve during fueling, contain the hydrogen until needed, and release hydrogen through an electrically activated shut-off valve to the hydrogen delivery system for use in powering the vehicle. The check valve prevents reverse flow in the vehicle fueling line. The shut-off valve between the storage container and the vehicle fuel delivery system controls the fuel flow out of the CHSS and automatically defaults to the closed fail-safe position when unpowered. In the event of a fire impinging on the CHSS, the TPRD provides a controlled release of hydrogen from the CHSS before the high temperature causes a hazardous burst of the container.

b. Hydrogen Delivery

The hydrogen delivery system transfers hydrogen from the CHSS to the fuel cell system at the proper pressure and temperature for fuel cells to operate. This transfer process is accomplished through a series of flow control valves, pressure regulators, filters, piping, and heat exchangers.

c. Fuel Cell System

The fuel cell system provides high-voltage electric power to the drive-train and vehicle batteries and capacitors. The fuel cell stack is the electricity-generating component of the fuel cell system. Individual fuel cells are electrically connected in series such that their combined voltage is between 300 and 600 Volts in direct current (VDC). Fuel cell stacks operate at high-voltage, which means a voltage greater than 60 VDC. The high voltage aspect of fuel cells are covered by FMVSS No. 305, ''Electric-powered vehicles: electrolyte spillage and electrical shock protection,'' and are not considered in this proposal.

A typical fuel cell system includes a blower to feed air to the fuel cell system. Most of the hydrogen that is supplied to the fuel cell system is consumed within the fuel cells, but a tiny excess of hydrogen is required to ensure that there is no damage to the fuel cell from a lack of hydrogen, which can cause undesired chemical reactions that damage and degrade the fuel cell.[14] The excess hydrogen is either catalytically removed or vented to the atmosphere in accordance with the requirements discussed below. A fuel cell system also includes auxiliary components to remove heat. Most fuel cell systems are cooled by a mixture of glycol and water. Pumps circulate the coolant between the fuel cells and a radiator.

d. Electric Propulsion and Power Management System

The electric power generated by the fuel cell system is supplied to the electric propulsion power management system where it is used to power the electric drive-train that propels the vehicle. The throttle position is used by the drive-train controllers to determine the amount of power to be sent to the drive wheels. Many HFCVs use batteries or ultra-capacitors to supplement the output of the fuel cells. These vehicles may also recapture energy during braking through regenerative braking, which recharges the batteries or ultra-capacitors and thereby maximizes efficiency.[15]

e. Hydrogen ICE Vehicles

Hydrogen ICE vehicles have an ICE instead of a fuel cell system. The ICE engine burns hydrogen to generate mechanical energy to propel the vehicle. These vehicles use a mechanical propulsion system instead of an electric propulsion system.

B. Global Technical Regulation (GTR) No. 13

The proposed rule initiates the process of adopting Global Technical Regulation (GTR) No. 13 into the FMVSS. Based on GTR No. 13, this NPRM proposes requirements for the safe onboard storage and utilization of hydrogen in vehicles.

1. Overview of the GTR Process

The United States became the first signatory to the 1998 United Nations/Economic Commission for Europe (UNECE) agreement (1998 Agreement). The 1998 Agreement entered into force in 2000 and is administered by the World Forum for Harmonization of Vehicle Regulations working party (WP.29).[16] The 1998 Agreement established the development of global technical regulations (GTRs) regarding the safety, emissions, energy efficiency and theft prevention of wheeled vehicles, equipment and parts.

The 1998 Agreement contains procedures for establishing GTRs either through harmonizing existing regulations or developing new regulations. The GTR process provides NHTSA unique opportunities to enhance vehicle safety and improve government efficiency. It assists in developing the best safety practices from around the world, identifying and reducing unwarranted regulatory requirements, and leveraging scarce government resources for research and regulation. The process facilitates our effort to continuously improve and seek high levels of safety, particularly by helping us develop regulations that reflect a global consideration of current and anticipated technology and safety problems.

Contracting Parties who vote in favor of a GTR are obligated by the 1998 Agreement to ''submit the technical Regulation to the process'' used in the country to adopt the requirement into the agency's law or regulation.[17] In the U.S., that process usually commences with an NPRM or Advance NPRM (ANPRM). The 1998 Agreement does not obligate Contracting Parties to adopt the GTR after initiating this process.[18] The 1998 Agreement recognizes that governments have the right to determine whether the global technical regulations established under the Agreement are suitable for their own particular safety needs. Those needs vary from country to country due to differences in laws and in factors such as the traffic environment, vehicle fleet composition, driver characteristics and seat belt usage rates.

2. History of GTR No. 13

NHTSA began collaborating with the international community to develop a global technical regulation for hydrogen vehicles in the early 2000s. In 2005, WP.29 agreed to a proposal from Germany, Japan and the United States of America regarding how best to manage the development process for a hydrogen vehicle GTR. Pursuant to the proposal, the United States and Japan were designated co-chairs of an informal

[14] A lack of hydrogen in a fuel cell, also known as hydrogen starvation, occurs when hydrogen fuel is exhausted at the fuel cell anode. This condition can lead to undesired chemical reactions occurring inside the fuel cell which can quickly degrade the fuel cell's catalyst and other components.

[15] The electric propulsion and power management system is covered by FMVSS No. 305, ''Electric-powered vehicles: electrolyte spillage and electrical shock protection,'' and is not considered in this proposal.

[16] The World Forum was initially named the Working Party on the Construction of Vehicles, a subsidiary of the Inland Transport Committee. It was renamed to the World Forum in 2000.

[17] Article 7, 1998 Agreement, *available at https://unece.org/text-1998-agreement.*

[18] *Id.*

working group (IWG) to explore the safety aspects of hydrogen vehicles.

In June 2007, WP.29 adopted an action plan prepared by the co-sponsors to develop a GTR for compressed gaseous and liquefied hydrogen fuel vehicles. At the time, no hydrogen vehicles were commercially available. To allow for the advancement of hydrogen technologies, the co-sponsors' action plan split the GTR into two phases. Phase 1 would focus on developing a GTR for hydrogen vehicles based on current best practices. Phase 2 would commence subsequent to Phase 1, and supplement it by assessing any technological advancements and explore ways to harmonize vehicle crash tests to evaluate fuel system integrity.

The IWG evaluated existing research and design standards for the development of a hydrogen vehicle GTR. To the extent possible, the group avoided design specific requirements and considered requirements and specification that were supported by research and technically justified. The main areas of focus in Phase 1 were: performance requirements for hydrogen storage systems, high-pressure closures, pressure relief devices, and fuel lines; specifications on limits on hydrogen releases during normal vehicle operations and post-crash; and requirements for electrical isolation and protection against electric shock during normal vehicle operations and post-crash.

The draft GTR was recommended by the IWG at the December 2012 session, and GTR No. 13 for Hydrogen and Fuel Cell Vehicles was codified by WP.29 on June 27, 2013, after a 6-year effort, with the United States voting in favor of the GTR. It specified safety-related performance requirements and test procedures with the purpose of minimizing human harm that may occur as a result of fire, burst, or explosion related to the hydrogen fuel system of vehicles, and/or from electric shock caused by a fuel cell vehicle's high voltage power train system.[19] The regulation consists of system performance requirements for compressed hydrogen storage systems (CHSS), CHSS closure devices, and the vehicle fuel delivery system. In Phase 1, the IWG purposefully did not harmonize crash tests and instead elected to have Contracting Parties use their own methodologies.

[19] The electrical safety requirements in GTR No. 13 Phase 1 were incorporated into FMVSS No. 305. *See* 82 FR 44945.

Phase 2 was adopted at the 190th Session of WP.29 on June 21, 2023.[20] Phase 2 accomplished several goals, including: broadening of the scope and application of GTR No. 13 to cover heavy-duty/commercial vehicles; harmonizing, clarifying, and expanding the requirements for thermal-pressure relief devices' direction in case of controlled release of hydrogen; strengthening test procedures for containers with pressures below 70 MPa, including comprehensive fire exposure tests; and extending the requirements to 25 years to more accurately capture the expected useful life of vehicles. The U.S. voted in favor of adopting Phase 2 and is proposing to adopt the changes made to GTR No. 13 by Phase 2 with this proposal.

III. Why is NHTSA issuing this proposal?

As a Contracting Party who voted in favor of GTR No. 13, the United States is obligated under the 1998 Agreement to "submit the technical Regulation to the process" used to adopt the requirement into the agency's law or regulation as a domestic standard. Today's proposal satisfies that obligation. In deciding whether to adopt a GTR as an FMVSS, we follow the procedural and substantive requirements for any other agency rulemaking, including the Administrative Procedure Act, the National Traffic and Motor Vehicle Safety Act (Safety Act) (49 U.S.C. Chapter 301), Presidential executive orders, and DOT and NHTSA policies, procedures, and regulations.[21] Under 49 U.S.C. 30111(a), FMVSSs must be practicable, meet the need for motor vehicle safety, and be stated in objective terms.[22] Section 30111(b) states that, when prescribing such standards, NHTSA must, among other things, consider all relevant, available motor vehicle safety information; consider whether a standard is reasonable, practicable, and appropriate for the types of motor vehicles or motor vehicle equipment for which it is prescribed; and consider the extent to which the standard will further the statutory purpose of reducing traffic crashes and associated deaths and injuries.

[20] A copy of GTR No. 13 as updated by the Phase 2 amendments is available at: *https://unece.org/sites/default/files/2023-07/ECE-TRANS-180-Add.13-Amend1e.pdf.*

[21] NHTSA's policies in implementing the 1998 Agreement are published in 49 CFR part 553, appendix C, "Statement of Policy: Implementation of the United Nations/Economic Commission for Europe (UNECE) 1998 Agreement on Global Technical Regulations—Agency Policy Goals and Public Participation." NHTSA's paramount policy goal under the 1998 Agreement is to "[c]ontinuously improve safety and seek high levels of safety, particularly by developing and adopting new global technical regulations reflecting consideration of current and anticipated technology and safety problems."

[22] "Motor vehicle safety" is defined in the Safety Act as "the performance of a motor vehicle or motor vehicle equipment in a way that protects the public against unreasonable risk of accidents occurring because of the design, construction, or performance of a motor vehicle, and against unreasonable risk of death or injury in an accident, and includes nonoperational safety of a motor vehicle." 49 U.S.C. 30102(a)(8).

This proposal marks a substantial step in meeting those procedural and substantive requirements. The proposal serves as notice of our intention to adopt the requirements of GTR No. 13 as FMVSS Nos. 307 and 308 and provides an opportunity for the public to comment on the proposed requirements. In accordance with the APA, we seek comment on this proposal to help inform our decision-making, and will take all timely public comments into consideration when deciding whether (and if so, how) to proceed with a final rule, and the appropriateness of any potential modifications to the proposed performance standards that are appropriately within scope of the NPRM.

NHTSA tentatively finds that the proposed standards fulfill a clear, if not immediately present, need for motor vehicle safety. The purpose of FMVSS No. 307, "Fuel system integrity of hydrogen vehicles," and FMVSS No. 308, "Compressed hydrogen storage system integrity," is to reduce deaths and injuries in hydrogen-powered vehicles occurring from fires that result from leakage after motor vehicle crashes. Hydrogen is highly flammable, with an exceptionally wide limit of flammability in the air and a high burning velocity. If hydrogen leaks from the fuel system, the risk of fire in or near the vehicle is substantial and gravely impairs the safety of vehicle occupants and others within the vicinity of the vehicle.

Although the potential safety risk from hydrogen vehicles has not necessarily materialized, due to their current scarcity in the on-road fleet, NHTSA made the same determination about the safety need for fuel system and container integrity systems when it adopted FMVSS No. 301, *Fuel system integrity,* with the initial FMVSSs adopted in 1968,[23] and in 1994 when NHTSA adopted FMVSS No. 303, *Fuel system integrity of compressed natural gas vehicles,*[24] and FMVSS No. 304, *Compressed natural gas fuel container*

[23] *See* 32 FR 2414 (February 3, 1967).

[24] *See* 59 FR 19648 (April 25, 1994).

integrity.[25] NHTSA faced a similar crossroads when developing FMVSS Nos. 303 and 304. Compressed Natural Gas (CNG) vehicles represented a very small portion of the total fleet size when NHTSA finalized the standards. The agency decided that the safety risk posed by CNG necessitated immediate action.[26] Members of the public shared a similar sentiment with the agency and urged quick action at that time to coalesce safety practices.[27] Today's proposal is the logical extension of NHTSA's existing standards that cover vehicles powered by other combustible fuel sources, except, for this NPRM, the agency has been able to draw on and benefit from the work of the international GTR No. 13 community in developing the proposed standards.

We tentatively find the proposed requirements in this NPRM to be practicable. Both automobile and hydrogen container manufacturers provided technical expertise to the IWG on test procedures and determining the boundaries of practicability of requirements during the development of GTR No. 13. Furthermore, GTR No. 13 incorporates a number of voluntary industry standards, which are discussed throughout this preamble, that have been demonstrated as practicable. Given the industry input informing the GTR and that the GTR incorporates current technical standards now used in hydrogen vehicle safety designs, NHTSA believes that the proposed standards are practicable.

The 1998 Agreement provides flexibilities to propose alternative technical regulations as necessary to ensure compliance with a jurisdiction's specific legal and safety need requirements. As noted in the forthcoming sections, NHTSA is proposing several modifications to the requirements in GTR No. 13 to conform with the Safety Act requirements for FMVSS, clarify the wording of the regulation, and improve objectivity.

The agency believes that this proposed rule is timely. While hydrogen vehicles currently represent less than half a percent of the total sales of light vehicles and are still in the prototypical stage for heavier vehicles, there are several trends that may point to increased growth in the coming years. The slow adoption of hydrogen vehicles can be attributed to both the expense associated with developing a new powertrain and the lack of existing fueling infrastructure.[28] Recent Federal legislation and spending has renewed the country's focus on incentivizing clean vehicles. The Inflation Reduction Act (IRA) allotted billions towards the development of clean vehicles and the infrastructure to support them. Manufacturers can claim credits for building or retooling facilities to build hydrogen-powered vehicles under Qualifying Advanced energy project credit or can claim credits for each hydrogen vehicle produced pursuant to the Advanced manufacturing production credit.[29] Consumers who purchase hydrogen vehicles can qualify for a $7,500 tax credit, and commercial enterprises can claim up to $40,000 for hydrogen fuel cell vehicles.[30] Additionally, producers of clean hydrogen are also eligible for tax credits on a per-gallon basis.[31] This list of incentives is not exhaustive, and NHTSA recognizes that the collective efforts at both the Federal and State level to incentive clean energy in the transportation industry are extensive and underline the importance of establishing safety standards presently, so that they are in place as the vehicles arrive in the marketplace.

Manufacturers continue to announce new forays into hydrogen vehicles, with some manufacturers citing the IRA as a catalyst for further development of hydrogen-powered vehicles.[32] Hyundai and Toyota, the only two manufacturers with hydrogen vehicles for sale currently in the United States, have announced plans to introduce more consumer hydrogen vehicle lines covering additional body styles and expand their hydrogen vehicle offerings.[33] Other manufacturers have announced plans to introduce their own hydrogen vehicle models,[34] and new entrants to the automotive market are testing prototypes and concept vehicles.[35] Manufacturers have also stated that they are exploring the viability of hydrogen heavy-duty vehicles.[36]

NHTSA faced a similar crossroads when developing FMVSS Nos. 303 and 304. Compressed Natural Gas (CNG) vehicles represented a very small portion of the total fleet size when NHTSA finalized the standards. The agency decided that the safety risk posed by keeping CNG at a high pressure necessitated an immediate action.[37] Members of the public have shared a similar sentiment with the agency and urged quick action to coalesce safety practices for hydrogen powered vehicles.[38]

We believe that the proposed standards would provide regulatory certainty for manufacturers. Given manufacturers' purported interest in expanding their hydrogen offerings and the IRA incentives reducing the comparative costs of hydrogen vehicles, adopting safety regulations now would provide manufacturers clarity on how to design new vehicle lines. Further, having hydrogen safety standards in place should assist in alleviating the trepidation consumers have of newer technologies, whereas a failure to adequately address safety concerns in the earliest stages of development could have a negative impact on the deployment of this new technology. Manufacturers have also informed

[25] *See* 59 FR 49010 (September 26, 1994).

[26] 58 FR 5323 (January 23, 1993)

[27] *See* 59 FR 19648, 19657.

[28] *See, e.g.* S. Hardman, E. Shiu, R. Steinberger-Wilckens, and T. Turrentine., *Barriers to the adoption of fuel cell vehicles: A qualitative investigation into early adopters attitudes,* 95 Transportation Research Part A: Policy and Practice 166–82 (2017). *https://www.sciencedirect.com/science/article/abs/pii/S0965856415302408#:~:text=FCVs%20have%20some%20specific%20challenges,and%20balance%20of%20plant%20components.*

[29] *See* 26 U.S.C. 48C and 26 U.S.C. 45X, respectively.

[30] *See* 26 U.S.C. 30D and 26 U.S.C. 45W, respectively.

[31] 26 U.S.C. 45Z.

[32] *See, e.g.* Elizabeth Sturcken, ''Leading companies are using IRA tax credits for clean manufacturing and technology. Are you?'' Environmental Defense Fund, June 7, 2023, *https://business.edf.org/insights/leading-companies-are-using-ira-tax-credits-for-clean-manufacturing-and-technology-are-you/.*

[33] *See* Remeredzai J. Kuhadzai, ''Toyota Hilux Hydrogen Fuel Cell Pickup Prototype Unveiled'' *https://cleantechnica.com/2023/01/11/toyota-starts-work-on-the-development-of-prototype-hydrogen-fuel-cell-toyota-hilux-pickup/* (Toyota plans to release the Helix only in Japan for the upcoming model year) and Toyota, ''PACCAR and Toyota Expand Hydrogen Fuel Cell Truck Collaboration to Include Commercialization.'' May 2, 2023, *https://pressroom.toyota.com/paccar-and-toyota-expand-hydrogen-fuel-cell-truck-collaboration-to-include-commercialization/; see also* Michelle Thompson, ''Hyundai hires new exec to help lead hydrogen initiatives.'' Repairer Driven News, June 29, 2023. *https://www.repairerdrivennews.com/2023/06/29/hyundai-hires-new-exec-to-help-lead-hydrogen-initiatives/.*

[34] For example, *see* Ken Silverstein, ''Electric Vehicles or Hydrogen Fuel Cell Cars? The Inflation Reduction Act Will Fuel Both.'' Forbes, Aug. 10, 2022, *https://www.forbes.com/sites/kensilverstein/2022/08/10/electric-vehicles-or-hydrogen-fuel-cell-cars-the-inflation-reduction-act-will-fuel-both/?sh=2841d7634d01; see also* Joey Capparella, ''Hydrogen-Powered Honda CR–V to Be Built in the U.S. Starting in 2024.'' Car and Driver, Nov. 30, 2022.

[35] *See,* Ezra Dyer, ''Pininfarina Reveals Pura Vision SUV Concept.'' Car and Driver, Aug. 1, 2023, *https://www.caranddriver.com/news/a44690183/pininfarina-pura-vision-suv-concept-revealed/.*

[36] *See* Rebecca Martineau, ''Fast Flow Future for Heavy-Duty Hydrogen Trucks: Expanded Capabilities at NREL Demonstrate High-Flow-Rate Hydrogen Fueling for Heavy-Duty Applications.'' National Renewable Energy Laboratory, June 8, 2022, *https://www.nrel.gov/news/program/2022/fast-flow-future-heavy-duty-hydrogen-trucks.html.*

[37] 58 FR 5323.

[38] *See* 59 FR 19648, 19657.

NHTSA that they would like to see the agency coordinate and harmonize hydrogen standards with other nations.[39] This proposal would accomplish all of these tasks.

IV. Overview of Proposed Safety Standards

The safe use of compressed hydrogen in vehicles lies primarily in preventing explosion of the hydrogen container(s) and preventing fuel leaks which could lead to fire or explosion. The leakage of hydrogen from the fuel system during normal vehicle operations and post-crash can pose safety hazards (fire or explosion) to vehicle occupants and the surroundings. In order to address the fire and explosion hazards associated with hydrogen vehicles, NHTSA is proposing to set performance requirements for the CHSS and the overall fuel system that are generally consistent with GTR No. 13.

GTR No. 13, Section 5.1, ''Compressed hydrogen storage system,'' specifies performance-based CHSS requirements which address documented on-road stress factors. These stress factors include those identified in CNG vehicle containers as well as those that are unique to containment of high-pressure hydrogen. These requirements were developed to demonstrate the CHSS's capability to perform critical functions throughout service, including fueling/defueling events, parking under extreme vehicle and environmental conditions, environmental exposures, and performance in fire without explosion.

GTR No. 13, Section 5.2, ''Vehicle fuel system,'' includes performance requirements to prevent and mitigate hydrogen leak from the fuel system and to warn vehicle occupants in the event of hydrogen concentration in the vehicle above flammable limits during normal vehicle operations and post-crash.

Similar to how NHTSA originally established CNG standards, we are proposing to implement GTR No. 13 by establishing two new FMVSSs that would specify minimum performance standards for vehicles that use compressed hydrogen gas as a motor fuel.[40] FMVSS No. 308, ''Compressed hydrogen storage system integrity,'' would set out requirements for CHSS integrity. FMVSS No. 307, ''Fuel system integrity of hydrogen vehicles,'' would set out in-use and post-crash requirements for the overall fuel system, including the CHSS, hydrogen delivery system, and fuel cell.

NHTSA is proposing that FMVSS Nos. 307 and 308 apply to all hydrogen-powered vehicles. This is a departure from Phase 1 of GTR No. 13 which only applies to hydrogen powered light vehicles. As discussed below, the IWG of GTR No. 13 Phase 2 has expanded the applicability of the standard to hydrogen powered heavy vehicles. With the exception of crash tests for heavy vehicles, NHTSA finds that the technical standards in GTR No. 13 are practicable for heavy vehicles and address the same safety need found in light vehicles.

Note that, consistent with GTR No. 13, NHTSA is proposing that FMVSS No. 308 be a vehicle-level standard, rather than an equipment standard.[41] Some performance requirements and test procedures for the CHSS in FMVSS No. 308 are specific to the vehicle design and to its gross vehicle weight rating. NHTSA is aware this is a departure from FMVSS No. 304 that is an equipment standard which applies to CNG containers sold as replacement parts for CNG vehicles. At this time, hydrogen vehicle manufacturers are strictly controlling the CHSS installed in their vehicles and replacement parts are obtained from the vehicle manufacturer (similar to electric vehicle batteries). NHTSA will monitor the deployment of hydrogen vehicles and how consumers are replacing parts of the fuel system. Since such data is lacking at this time, NHTSA is proposing FMVSS No. 308 as a vehicle standard, consistent with GTR No. 13. NHTSA will re-evaluate this decision based on comments received and on field data on hydrogen vehicle deployment, repair, and replacement parts. NHTSA seeks comment on whether FMVSS No. 308 should remain a vehicle standard, as well as whether FMVSS Nos. 307 and 308 should be combined into a single standard in the final rule.

A. FMVSS No. 308, ''Compressed Hydrogen Storage System Integrity''

FMVSS No. 308 would set out requirements for the performance of the CHSS and its subcomponents during normal use, with a particular focus on how the CHSS performs in a variety of incidents that a vehicle could experience during its lifetime operations and how well the component withstands usage.

NHTSA is proposing that FMVSS No. 308 only be a vehicle standard. As explained in more detail below, some of the proposed requirements are conditional on the vehicle type and characteristics. Without the knowledge of the relevant vehicle, some of the proposed CHSS standards cannot be tested. For these reasons, NHTSA does not intend that the proposed standard should extend to cover replacement parts, even though they would be considered motor vehicle equipment and still subject to NHTSA's safety defect authority, and replacement parts when installed may not take the vehicle out of compliance with the proposed new FMVSS No. 308, per 49 U.S.C. 30122. NHTSA seeks comment on this approach.

1. Compressed Hydrogen Storage System

The CHSS is defined to include all closure surfaces that provide primary containment of high-pressure hydrogen storage. The CHSS is defined to include the hydrogen container, check valve, shut-off valve and thermally-activated pressure relief device (TPRD), which are discussed in the sections below. Figure-3 illustrates a typical CHSS.

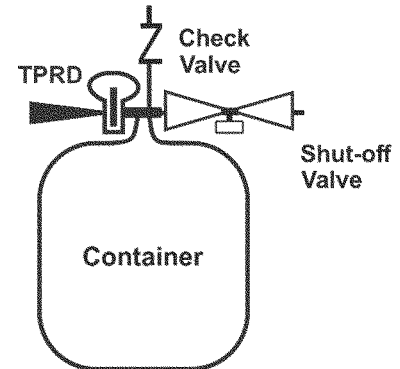


Figure-3: Typical CHSS

a. Hydrogen Container

The hydrogen container is the main component of a CHSS. The hydrogen container stores hydrogen at extremely high pressure. On current hydrogen vehicles, hydrogen has typically been stored at a nominal working pressure (NWP) of 35 MPa or 70 MPa, at 15 °C. NWP means the gauge pressure that characterizes the normal operation of the system. Typically, the container is designed for a maximum allowable gas temperature of 85 °C. If the temperature of hydrogen stored at NWP is increased from 15 °C to 85 °C, then the pressure inside the container will rise to the maximum allowable pressure of 25

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[39] *See, e.g.* NHTSA–2004–18039–0020 at 17.

[40] The standards proposed in this document would not apply to vehicles that use liquified hydrogen as a motor fuel.

[41] This is in contrast to FMVSS No. 304, *Compressed natural gas fuel container integrity,* which is an equipment standard.

percent above NWP.[42] A container may consist of a single chamber or multiple permanently interconnected chambers. This allows designers flexibility in the overall shape of the CHSS.

Most containers used in hydrogen vehicles consist of two layers. The inner liner prevents gas leakage/permeation and is usually made of metal or thermoplastic polymer. The outer layer provides structural integrity and is usually made of metal or thermoset resin-impregnated fiber-reinforced composite. For instance, Type 3 containers consist of a metal liner reinforced with resin impregnated continuous filament, and Type 4 containers consists of a non-metallic liner with resin-impregnated continuous filament.[43]

GTR No. 13 defines a container as ''the pressure-bearing component on the vehicle that stores the primary volume of hydrogen fuel in a single chamber or in multiple permanently interconnected chambers.'' NHTSA is proposing a similar definition with the following modifications:

- Replace ''the vehicle'' with ''a compressed hydrogen storage system'' to clarify that the container is a subcomponent of the CHSS, and therefore a container cannot exist on its own without the other components of the CHSS.
- Remove the word ''primary'' because this introduces ambiguity regarding secondary or tertiary volumes of hydrogen.
- Add the word ''continuous'' to clarify that a container does not have any valves or other obstructions that may separate its different chambers.

Thus, NHTSA's proposed definition for ''container'' would be ''pressure-bearing component of a compressed hydrogen storage system that stores a continuous volume of hydrogen fuel in a single chamber or in multiple permanently interconnected chambers.'' These changes are intended to clarify the definition and provide greater regulatory certainty as to what is considered part of the container. The changes do not alter the substantive requirements. NHTSA seeks comment on the proposed definition for the container.

b. Closure Devices

GTR No. 13 refers to closure devices as ''primary'' closure devices. This creates ambiguity about potential secondary or tertiary closure devices. As a result, NHTSA will refer simply to ''closure devices.'' NHTSA therefore proposes to define the term ''closure devices'' as ''the check valve(s), shut-off valve(s) and thermally activated pressure relief device(s) that control the flow of hydrogen into and/or out of a CHSS,'' so it will be clear what components are covered under the standard. NHTSA seeks comment on removal of the word ''primary'' and on the proposed definition for ''closure devices.''

(1) TPRD

In the event of a fire, the TPRD provides a controlled release of hydrogen from the container before the high temperature from the fire weakens the container and causes a hazardous burst. TPRDs are designed to vent the entire hydrogen content of the container rapidly. These devices are designed to not be reset or reused once they have been activated.

(2) Check Valve

During fueling, hydrogen enters the CHSS through a check valve. The check valve prevents back-flow of hydrogen into the fueling line or out of the fueling receptacle.

(3) Shut-Off Valve

A shut-off valve prevents the outflow of stored hydrogen from the container when the vehicle is not operating or when a fault is detected that requires isolation of the CHSS. In GTR No. 13, the shut-off valve is defined as ''a valve between the container and the vehicle fuel system that must default to the 'closed' position when not connected to a power source.'' NHTSA proposes adding the words ''electrically activated'' to the definition, so that a shut-off valve would be ''an electrically activated valve between the container and the vehicle fuel system that must default to the 'closed' position when not connected to a power source.'' NHTSA seeks comment on the proposed definition of shut-off valve.

(4) Container Attachments

The CHSS may include container attachments, which are non-pressure bearing parts attached to the container that provide additional support and/or protection to the container. Container attachments may only be removed with the use of tools for the purpose of maintenance and/or inspection. Container attachments include devices such as bump stops to mitigate impacts or shielding to mitigate surface damage to the container.

In the GTR No. 13 test procedures, container attachments are included in some tests. Importantly, in some cases, the container attachments provide protection to the container that improves test performance. Including container attachments for testing is discussed in the sections below where applicable and where the container attachments may affect test performance.

NHTSA proposes defining container attachments as ''non-pressure bearing parts attached to the container that provide additional support and/or protection to the container and that may be removed only with the use of tools for the specific purpose of maintenance and/or inspection.'' NHTSA seeks comment on the proposed definition of container attachments. In this definition, the word ''temporarily'' has been removed from the GTR definition because anything that can be removed temporarily can also be removed permanently. For clarity, NHTSA has also shifted the order of some words relative to the definition in GTR No. 13.

2. General Requirements for the CHSS

NHTSA is proposing that the CHSS be required to include the functionality of a TPRD, shut-off valve, and check valve. These functions are required for the reasons stated above. However, NHTSA is aware of CNG vehicles that do not include check valves as part of their CNG storage system. In such CNG vehicles, the check valves are installed upstream between the fueling port and the CNG container, with additional valves to contain high pressure gas. NHTSA seeks comment on whether the check valves should be required as part of the CHSS.

The CHSS would be required to have an NWP of 70 MPa or less. This is because working pressures above 70 MPa are currently considered impractical and may pose a safety risk given current known technologies. The energy density of hydrogen does not increase significantly when pressurized above 70 MPa, so there is no significant improvement in hydrogen storage efficiency at pressures above 70 MPa. Pressures above 70 MPa, however, may present a greater safety hazard. As a result, NHTSA proposes that all CHSS

[42] This is based on data published in the NIST Chemistry WebBook, Standard Reference Database Number 69, Thermophysical Properties of Fluid Systems (isochoric properties for hydrogen), *available at https://webbook.nist.gov/chemistry/fluid/*.

[43] The American National Standard for Compressed Natural Gas Fuel Vehicle Containers (2007) classifies containers into Types 1 through 4 as follows:

Type 1—Metal.

Type 2—Resin impregnated continuous filament with metal liner with a minimum burst pressure of 125 percent of service pressure. This container is hoop-wrapped.

Type 3—Resin impregnated continuous filament with metal liner. This container is full-wrapped.

Type 4—Resin impregnated continuous filament with a non-metallic liner.

must have an NWP less than or equal to 70 MPa. NHTSA seeks comment on this requirement, and specifically asks commenters to identify any technologies that can safely store hydrogen at pressures above 70 MPa.

GTR No. 13 provided contracting parties with the discretion to require that the closure devices be mounted directly on or within each container. The relevant safety concern is that the high-pressure lines required to connect remotely-located closure devices with the container could be susceptible to damage or leak. However, the definition of a container is sufficiently broad that it includes such lines as part of the container. These lines will be considered part of the permanently interconnected chambers storing the continuous volume of hydrogen. Thus, any lines connecting to closure devices are themselves part of the container and will be included in the extensive container performance testing discussed below. If a container (which includes any lines connecting to closure devices) can successfully complete the performance testing in FMVSS No. 308, then the risk of failure of the lines has been addressed. Therefore, NHTSA tentatively concludes that it is not necessary to specify that closure devices be mounted directly on or within each container. NHTSA is also concerned that such a specification would be design restrictive. NHTSA is aware of CNG fuel systems where the closure devices are neither on nor within each container, and there have been no reported safety issues with such systems. Therefore, NHTSA is not proposing to include a requirement for closure devices to be on or within each container, and would instead leave the location of closure devices to manufacturer discretion. NHTSA seeks comment on requiring closure devices to be mounted directly on or within each container.

3. Performance Requirements for the CHSS

The CHSS would be required to meet specific performance requirements when subjected to the performance tests listed below. The performance tests and the respective performance requirements are discussed in detail in subsequent sections:

- Tests for baseline metrics
- Test for performance durability
- Test for expected on-road performance
- Test for service terminating performance in fire
- Tests for performance durability of closure devices

Several of these tests utilize a manufacturer-supplied value known as BP_O. A container's BP_O is a design parameter specified by the manufacturer to establish the expected initial burst pressure of the container. It is NHTSA's understanding that BP_O, associated with median or midpoint burst pressure for a batch of containers, can vary between batches of containers. Therefore, in order to facilitate compliance testing, NHTSA is proposing that manufacturers specify the BP_O associated with each container on the required container label (discussed below). NHTSA seeks comment on this labeling requirement, noting that it is not required by GTR No. 13.

4. Tests for Baseline Metrics

The container must be able to withstand high pressurization, as well as pressure cycling, which is a repeated pressurization and depressurization. Both of these stress factors occur during the service life of the vehicle as its fuel system is repeatedly depleted and refilled. Consistent with GTR No. 13, the proposed tests for baseline metrics would include two tests for the container: the baseline initial burst pressure test to evaluate resistance to burst at high pressure, and the baseline initial pressure cycle test to ensure the container is designed to leak before burst [44] and to evaluate its ability to withstand pressure cycling without burst and without leakage within its service life.

During the initial burst pressure test, the container must demonstrate that as the pressure is increased inside the container, the point of failure is above a minimum pressure level, discussed below. In other words, the container must demonstrate a minimum burst pressure. Burst pressure is defined as the highest pressure reached inside a container during a burst test which results in structural failure of the container and resultant fluid loss through the container, not including gaskets or seals. Burst pressure is determined by the baseline initial burst pressure test discussed below.

During the baseline initial pressure cycle test, the container must withstand pressure cycling that simulates repeated fueling and defueling by increasing the pressure inside the container to a high pressure level, then depressurizing it to low pressure, and repeating that process for a set number of cycles. The container must neither leak nor burst during an initial set of pressure cycles, and must not burst during a set number of pressure cycles beyond the initial set. These requirements are evaluated by the baseline pressure cycle life test discussed below.

The physical forces on the load-bearing components of a container are the same regardless of whether the pressure is being applied with hydraulic fluid, hydrogen gas, or any other medium. Therefore, for practicability and safety purposes both tests would be conducted using hydraulic fluid to exert pressure inside the container.[45] Hydraulic fluids, such as water or water with additives, are advantageous for these tests because they reduce the explosion risk associated with pneumatic pressurization. The explosion risk from pneumatic pressurization is high because compression of gas stores pressure-volume energy (PV energy), whereas during hydraulic pressurization with an incompressible fluid, PV energy is negligible. In addition, the incompressible nature of hydraulic fluids means that pressure cycles can be accomplished much faster than pneumatic pressurization cycles. This is important given the high number of cycles required for the baseline pressure cycle test. The use of hydrogen gas pneumatic pressure cycling does introduce stress factors beyond basic pressurization/depressurization, as discussed later, and these are addressed separately in the test for expected on-road performance. Given that hydraulic pressure cycling provides these benefits without compromising the safety or stringency of the proposed standards, hydraulic pressure cycling is used for these tests.

a. Baseline Initial Burst Pressure

The baseline initial burst pressure test verifies that the initial burst pressure of a container is both above a minimum specified pressure level and is within 10 percent of the manufacturer specified BP_O. The requirement that the container tested must have a burst pressure within ±10 percent of BP_O is based on the need to control variability in container production. If a manufacturing process produces containers with highly variable initial burst pressures, there is a possibility of a container with a dangerously low burst pressure. NHTSA seeks comment on the safety need for specifying a limit on burst pressure variability in a batch and whether the 10 percent limit is appropriate; if commenters believe another limit is

[44] Leak before burst design of high pressure containers is a common safety feature to ensure a leak will develop before a catastrophic burst will occur. A leak is a less severe failure mode compared to a catastrophic burst of the high pressure container.

[45] This is consistent with GTR No. 13.

appropriate, they are asked to provide supporting data.

The minimum burst pressure, BP_{min}, in GTR No. 13 Phase 1 was set at 225 percent of NWP for carbon fiber composite containers, and 350 percent NWP for glass fiber composite containers. The value for carbon fiber composite containers was chosen to be a conservative starting point based on experience from CNG vehicles. GTR No. 13 Phase 1 made clear that the burst pressure requirement would be reviewed in Phase 2. The IWG of GTR No. 13 Phase 2 did review data on variability in initial burst pressure and end-of-life burst pressure (*i.e.,* burst pressure after the test for performance durability, discussed in a later section), and determined that variation in burst pressure is actually low and that a minimum initial burst pressure of 200 percent NWP was appropriate for carbon fiber composite containers.[46] The GTR No. 13 Phase 2 IWG assessment also noted that manufacturers generally design containers to have burst pressures well above the required minimum burst pressure, to ensure that a container can meet the performance requirements of the test for performance durability. These findings suggest it is possible to lower the minimum burst pressure requirement to 200 percent of NWP without reducing safety, because manufacturers will generally be outperforming this requirement anyway.

Furthermore, a 200 percent minimum initial burst pressure can be supported when coupled with the following requirements from the proposed test for performance durability (which are discussed in the following section): [47]

• The container must withstand 180 percent NWP for 4 minutes at the end of the test for performance durability.

• The minimum burst pressure after the completion of the test for performance durability cannot be lower than 80 percent of BP_O.

In light of the variability in the minimum burst pressure and the need to meet the above two requirements at the end of the test for performance durability, NHTSA expects that manufacturers will ultimately design the container with an initial burst pressure well above 200 percent NWP.

Accordingly, NHTSA believes that proposing BP_{min} to 200 percent NWP, as set forth in GTR No. 13 Phase 2, meets the need for safety. Proposing the BP_{min} to 200 percent NWP facilitates hydrogen vehicle development without unnecessary overdesign of components. NHTSA seeks comment on the proposed BP_{min} of 200 percent NWP instead of the 225 percent NWP specified in GTR No. 13 Phase 1.

In the case of containers having glass-fiber as a primary constituent, consistent with GTR No. 13 Phase 2, NHTSA is proposing a higher BP_{min} of 350 percent of NWP because these containers are highly susceptible to stress rupture as compared to carbon fiber containers. Stress rupture is a failure mode that relates to the intrinsic failure probability of the individual fibers that overwrap the container for support. This failure mode can occur when the fibers are held under stress for long periods of time (such as in a continuously pressurized container).[48] The higher BP_{min} of 350 percent of NWP provides protection from the risk of stress rupture in containers having glass-fiber composite as a primary constituent. NHTSA seeks comment on this proposed requirement and how NHTSA can determine if a container has glass-fiber as a primary constituent. NHTSA seeks comment on appropriate criteria to determine the primary constituent in this context.

In the case of containers constructed of both glass and carbon fibers, NHTSA proposes to apply the requirements according to the primary constituent of the container as specified by the manufacturer. NHTSA proposes that the manufacturer shall specify upon request, in writing, and within five business days, the primary constituent of the container. NHTSA proposes that the burst pressure of the container, for which the manufacturer fails to specify upon request, in writing, and within five business days, the primary constituent of the container, must not be less than 350 percent of NWP. NHTSA seeks comment on this proposed requirement.

The test for performance durability, described below, includes a 1000 hour high-temperature (85 °C) static pressure test, which is designed to evaluate the container's resistance to stress rupture, in combination with other lifetime stress factors. Given that the high-temperature static pressure test is focused directly on evaluating stress rupture risk, and the test for performance durability represents an overall worst-case lifetime of stress factors, regardless of fiber type, NHTSA seeks comment on whether the baseline initial burst pressure test even needs to be included in the standard's requirements.

GTR No. 13 specifies that the baseline initial burst pressure test (as well as the initial pressure cycle test described below) be conducted at ambient temperatures between 5 °C and 35 °C. The IWG of GTR No. 13 determined that container burst strength is not affected by using this range of ambient temperature between 5 °C and 35 °C.[49] This temperature range reduces test costs (thus improving the practicability of the proposed requirements) by enabling outdoor testing without special temperature controls. Extreme temperatures are addressed in later tests.

GTR No. 13 requires that the rate of pressurization be less than or equal to 1.4 MPa/s for pressures higher than 150 percent of the nominal working pressure. If the pressurization rate exceeds 0.35 MPa/s at pressures higher than 150 percent NWP, GTR No. 13 also requires that either the container is placed in series between the pressure source and the pressure measurement device, or that the time at the pressure above a target burst pressure exceeds 5 seconds. These requirements are designed to ensure that a pressure sensor will measure the pressure inside the container accurately. The pressurization rate limit ensures the pressure sensor will have enough time to read the pressure level as it rises. Placing the container in series between the pressure source and the pressure sensor ensures that the container will experience the pressure before the sensor, so there is no chance that the pressure sensor could read a pressure level that is not being experienced by the container. However, NHTSA is concerned that the second option that the time at the pressure above the target burst pressure exceeds 5 seconds is unclear and difficult to enforce. For example, it is not clear what pressure

[46] A study was conducted by the Japanese Automobile Research Institute which evaluated the variability of containers' initial burst pressure, as well as the variability in end-of-life burst pressure. The study concluded that variability among the containers was low, and therefore a minimum initial burst pressure of 200 percent NWP was acceptable and most consistent with the end-of-life burst pressure requirement.

See GTR No. 13 Phase 2 file GTR13–3–03: *https://wiki.unece.org/download/attachments/58525915/GTR13-3-03%20Initial%20burst%20pressure%20requirement%20_3rd%20GTR13%20IWG_June2018.pdf?api=v2.*

[47] The tests conducted by the Japanese Automobile Research Institute showed that containers with burst pressure which met the BP_O ±10 percent requirement and subjected to the durability sequential tests, were able to withstand the end-of-life 180 percent NWP for four minutes and have an end-of-life burst pressure within −20 percent of BP_O, even if the minimum initial burst pressure is reduced to 200 percent NWP.

[48] SAE Paper 2009–01–0012. Rationale for Performance-based Validation Testing of Compressed Hydrogen Storage by Christine S. Sloane, *available at https://www.sae.org/publications/technical-papers/content/2009-01-0012/.*

[49] *See* GTR No. 13, Part I, paragraph 81(d)(v).

the ''target burst pressure'' is referring to since the pressure may be increasing continuously. Therefore, this option is not being proposed as an alternative and the container will simply be placed in series between the pressure source and the pressure measurement device. NHTSA seeks comment on this decision.

b. Service Life and Number of Cycles for the Baseline Initial Pressure Cycle Test for Containers on Light and Heavy Vehicles

As discussed above, hydrogen is highly flammable, and therefore, hydrogen containers must not leak during their service life. While hydrogen leakage is a serious safety concern, leaking hydrogen will likely dissipate quickly into the atmosphere given its density, and may or may not ignite/explode, whereas, a hydrogen container burst involves an explosion by definition and is therefore a far worse, catastrophic failure mode that must be prevented under all circumstances regardless of service life. As a result, hydrogen containers are designed to leak before bursting beyond their service lives. This ''leak before burst'' safety feature is also followed for other high-pressure vehicle fuel containers such as vehicle CNG fuel containers. Systems are typically designed such that the occurrence of leakage should result in vehicle shut down and subsequent repair or removal of the container from service, thereby preventing a burst of the container from occurring.

The baseline pressure cycle test requirement is designed to provide an initial check for resistance to leak or burst due to pressure cycling during service, and a check that the container does in fact leak before burst after the container service life has been exceeded. Accordingly, the baseline initial pressure cycle test requires the container to (i) not leak or burst for a specified number of pressure cycles that are meant to represent maximum container service life, and (ii) leak before burst for a specified number of pressure cycles *beyond* the maximum service life. In the case of (i), the IWG of GTR No. 13 Phase 1 gave contracting parties the option of selecting either 5,500, 7,500, or 11,000 cycles as the expected maximum service life containers. In the case of (ii), the GTR explains that a greater number of pressure cycles (22,000) that far exceeds service life of containers is used to ensure that a container should leak before bursting during the expected service life.

GTR No. 13 provides several examples of the maximum number of empty-to-full fueling cycles for vehicles under extreme service. These examples are described below and summarized in Table-1.

- Sierra Research Report No. SR2004–09–04 for the California Air Resource Board (2004) reported on vehicle lifetime distance traveled by scrapped California vehicles, which all showed lifetime distances traveled below 350,000 miles. Based on these figures and 200–300 miles driven per full fueling, the maximum number of lifetime empty-to-full fuelings can be estimated as 1,200–1,800.
- Transport Canada reported that required emissions testing in British Columbia, Canada, in 2009 showed the five most extreme usage vehicles had odometer readings in the 500,000–600,000 miles range. Using the reported model year for each of these vehicles, this corresponds to less than 300 full fuelings per year, or less than one full fueling per day. Based on these figures and 200–300 miles driven per full fueling, the maximum number of empty-to-full fuelings can be estimated as 1,650–3,100.
- The New York City (NYC) taxicab fact book reports extreme usage of 200 miles in a shift and a maximum service life of five years.[50] Less than 10 percent of vehicles remain in service as long as five years. The average mileage per year is 72,000 for vehicles operating two shifts per day and seven days per week. There is no record of any vehicle remaining in high usage through-out the full 5-year service life. However, if a vehicle were projected to have fueled as often as 1.5–2 times per day and to have remained in service for the maximum 5-year NYC taxi service life, the maximum number of fuelings during the taxi service life would be 2,750–3,600.
- Transport Canada reported a survey of taxis operating in Toronto and Ottawa that showed common high usage of 20 hours per day, seven days per week with daily driving distances of 335–450 miles. Vehicle odometer readings were not reported. In the extreme worst-case, it might be projected that if a vehicle could remain at this high level of usage for seven years (the maximum reported taxi service life); then a maximum extreme driving distance of 870,000–1,200,000 miles is projected. Based on 200–300 miles driven per full fueling, the projected full-usage 15-year number of full fuelings could be 2,900–6,000.

TABLE 1—EXPECTED VEHICLE USAGE DATA SUMMARY

Data source	Lifetime traveling distance (miles)	Distance per full-fueling (mile)	Number of lifetime empty-to-full filling
Sierra Research Report No. SR2004–09–04: California vehicles.	350,000	200–300	1,200–1,800.
Transport Canada: Vehicle fleet &Taxi	500,000–600,000	200–300	1,650–3,100.
The New York City (NYC) taxicab fact book: Taxi usage	360,000 (5 year life)	N/A (Fueling frequency 1.5–2 times/day).	2750–3600 (5 year life).
Transport Canada: Taxi usage	870,000–1,200,000	200–300	2,900–6,000.

Based on these examples, the IWG of GTR No. 13 Phase 1 set the minimum number of pressure cycles before leak at 5,500. The maximum number of cycles before leak was set at 11,000 cycles, which corresponds to a vehicle that remains in service with two full fuelings per day for 15 years (expected lifetime vehicle mileage of 2.2–3.3 million miles). The last example above shows it is possible for a high usage taxi to experience 6,000 fueling cycles during seven years of service. Taxi service is representative of the most demanding circumstances a light vehicle will experience, so this example is considered worst-case. Furthermore, such a vehicle could be subsequently resold and experience further fuelings beyond 6,000. As a result, the IWG of GTR No. 13 Phase 2 concluded that the

[50] New York City taxicab fact book, Schaller Consulting (2006), *http://www.schallerconsult.com/taxi/taxifb.pdf.*

choice of 5,500 cycles is not sufficient for containers on light vehicles. However, NHTSA concludes that the maximum choice of 11,000 cycles is too extreme for light vehicles. A vehicle traveling 2.2–3.3 million miles is unrealistic even for the most extreme service life for light vehicles. Accordingly, NHTSA proposes 7,500 as the number of cycles in the baseline initial pressure cycle test for which the container does not leak or burst. NHTSA believes that 7,500 pressure cycles is a reasonable representation of the maximum service life of a container, and notes that is greater than that presented in Table 1 for the Transport Canada taxi usage data.

As discussed above, the worst-case scenario is a container failure by burst. To ensure the container leaks before burst beyond the maximum service life, the container is pressure cycled beyond the 7,500 cycles (representing maximum service life) until leak occurs without burst or up to a maximum of 22,000 hydraulic pressure cycles. For vehicles with nominal on-road driving range of 300 miles per full-fueling, 22,000 hydraulic pressure cycles correspond to over 6 million miles, which is beyond extreme on-road vehicle lifetime range.

The analysis summarized above considered light vehicles with a service life of 15 years. When conducting their analysis, the IWG of GTR No. 13 Phase 1 had limited information available on lifetime vehicle mileage and fuelings. In addition, hydrogen vehicles were a new technology and there was very little field experience available to draw upon. As a result, the IWG of GTR No. 13 Phase 1 was conservative in setting the number of cycles for the baseline initial cycle test. In the analysis provided above, short periods of extreme service were extrapolated to a full 15-year service life. This is not a realistic assumption because vehicles generally cannot last in extreme service for a full 15 years.

To address this issue, the IWG of GTR No. 13 Phase 2 reviewed new data on the number of vehicle miles traveled. The analysis was also expanded to include heavy vehicles in addition to light vehicles.[51] [52] The data shows that the number of cycles presented in GTR No. 13 for light vehicles correspond more appropriately to a 25-year service life.

For heavy vehicles, the new data on the number of vehicle miles traveled that was collected in Phase 2 indicates a higher number of cycles are required for a 25-year service life than that for light vehicles. This is consistent with the fact that heavy vehicles typically travel farther and remain in service longer than light vehicles. Consequently, for heavy vehicle containers, the IWG of GTR No. 13 Phase 2 set the number of pressure cycles representing maximum container service life at 11,000. In accordance with GTR No. 13 Phase 2, NHTSA proposes to require heavy vehicle containers to neither leak nor burst for 11,000 hydraulic pressure cycles, and also to leak without burst (or neither leak nor burst) beyond the 11,000 hydraulic pressure cycles up to a maximum of 22,000 pressure cycles. The proposed service life, number of hydraulic pressure cycles representing the maximum service life for which the container is required not to leak nor burst, and the number of pressure cycles beyond that representing maximum service life of the container for which the container is required to leak without burst or not leak nor burst at all is summarized in Table-2 for light and heavy vehicles.

TABLE 2—PROPOSED SERVICE LIFE AND NUMBER OF CYCLES IN THE BASELINE HYDRAULIC PRESSURE CYCLE TEST FOR LIGHT AND HEAVY VEHICLES

Vehicle type	Service life (years)	Number of cycles representing maximum service life for which the container does not leak nor burst	Number of cycles for which the container leaks without burst, or does not leak nor burst
Light	25	7,500	7,501–22,000
Heavy	25	11,000	11,001–22,000

NHTSA seeks comment on the proposed number of cycles in Table-2. NHTSA seeks any additional data available related to vehicle life, lifetime miles travelled, and number of lifetime fuel cycles.

c. Details of the Baseline Initial Cycle Test for Containers on Light and Heavy Vehicles

The low pressure during each cycle has been set at between 1 MPa to 2 MPa. This is selected to make the test easy to conduct. NHTSA seeks comment whether this low-pressure range is sufficiently wide for test lab efficiency. The high pressure of 125 percent NWP is selected because this is the peak pressure that typically occurs during fueling. Furthermore, this is the high pressure used in the ANSI NGV 2–2007, *Compressed Natural Gas Vehicle Fuel Containers,* ambient cycling test.[53]

GTR No. 13 requires three new containers to be tested during the baseline initial pressure cycle test. However, NHTSA does not believe three new containers need to be tested under the U.S. self-certification system where NHTSA buys and tests vehicles and equipment at the point of sale. Therefore, NHTSA has instead decided to base the value on the results of testing any one container for the baseline initial pressure cycle test. NHTSA seeks comment on this decision.

GTR No. 13's maximum hydraulic pressure cycle rate of 10 cycles/minute is based on the requirement in ANSI NGV 2–2007 for the ambient cycling test.[54] This pressure cycling rate is selected to allow for efficient compliance testing. Actual fueling cycles for hydrogen vehicles occur more slowly. For these reasons, the container manufacturer may specify a hydraulic pressure cycle profile that will prevent premature failure of the container due to test conditions outside of the container design envelope. Changing the hydraulic cycling profile does not

[51] *See* GTR No. 13 Phase 2 file GTR13–11–12b: The number of cycles, *https://wiki.unece.org/download/attachments/123666576/GTR13-9-07%20TF1%20OICA%20GTR13%20Baseline%20Initial%20Cycles.pdf?api=v2.*

[52] *See* GTR No. 13 Phase 2 file GTR13–9–07: Extension of the service life of the container to 25 years, *https://wiki.unece.org/download/attachments/140706658/GTR13-11-12b%20TF1%20%20210927%20Estimation%20of%20VMT%20TF1-JAMA.pdf?api=v2.*

[53] ANSI NGV 2–2007, *Compressed Natural Gas Vehicle Fuel Containers,* 16.3 Ambient Cycling Test. *https://webstore.ansi.org/standards/csa/ansingv22007.*

[54] *Id.*

change the stringency of the test or the safety of the container. However, the cycling profile can be important because testing NHTSA conducted resulted in a container failure attributed to a rapid defueling profile that was not representative of defueling rates during normal use.[55] [56] NHTSA seeks comment on cycling profiles and whether the pressure cycling profile will significantly affect the test result. NHTSA seeks comment on more specifics of what manufacturers should be allowed to specify regarding an appropriate pressure cycling profile for testing their system.

A burst may be preceded by an instantaneous moment of leakage, especially if observed in slow motion. Therefore, NHTSA proposes a minimum time of 3 minutes to sustain a visible leak before the test can end successfully due to ''leak before burst.'' NHTSA seeks comment on this additional requirement.

5. Test for Performance Durability

The container must withstand stress factors beyond basic pressurization and pressure cycling without leakage or burst. The container must demonstrate its durability by not leaking or bursting during a service life of pressure cycling that includes the application of external stress factors. The container must also withstand 180 percent NWP for four minutes [57] after the application of all the external stress factors and have a burst pressure that is at least 80 percent of its BP_O at the end of a service life that includes external stress factors. This requirement is evaluated by the test for performance durability. The test for performance durability uses the same service life described above for the tests for baseline metrics, along with external stress factors applied to the container.

A container is expected to encounter six types of external stress factors:

1. Impact (drop during installation and/or road wear)
2. Static high pressure from long-term parking
3. Over-pressurization from fueling and fueling station malfunction
4. Environmental exposures (chemicals and temperature/humidity)
5. Vehicle fire
6. Vehicle crash

The test for performance durability addresses the first four of these external stresses. Fire is addressed in a separate section for fire. Crash performance is addressed through crash testing in FMVSS No. 307. The test for performance durability is closely consistent with the industry standard SAE J2579_201806, *Standard for Fuel Systems in Fuel Cell and Other Hydrogen Vehicles.*[58]

Other than fire and vehicle crash, testing of the stresses compounded in a series is required.[59] This is because a container may experience all of these stresses during its service life, and the safety need for a hydrogen system remains an issue for the vehicle's entire service life. For example, a container that was dropped during installation could thereafter be exposed to road wear, long term parking, fueling stresses, and environmental exposures. Accordingly, the proposed test for performance durability arranges these external stresses in a sequential application representing a severe in-service permutation of the stresses. The test sequence is as follows:

- Proof pressure test
- Drop test
- Surface damage test
- Chemical exposure test and ambient-temperature pressure cycling test
- High temperature static pressure test
- Extreme temperature pressure cycling test
- Residual pressure test
- Residual strength burst test

The test for performance durability is illustrated in Figure-4.

[55] DOT HS_812_988. Hydrogen Container Performance Testing, *https://rosap.ntl.bts.gov/view/dot/62645.*

[56] Details are provided in the technical document ''Quantum GTR Pressure Cycle Discussion.pdf'' submitted to the docket of this NPRM.

[57] The 180 percent NWP hold for 4 minutes is a simulation of a fueling station pressure regulation failure that results in over pressurization of the container. This test is conducted after all other external stresses have been applied to the container to simulate over-pressurization near the end-of-life of the container.

[58] SAE J2579_201806. Standard for Fuel Systems in Fuel Cell and Other Hydrogen Vehicles. *https://www.sae.org/standards/content/j2579_201806/*

[59] This is in contrast to industry standards, wherein performance is evaluated after the application of a single stress factor in order to identify which stress factors cause failure.

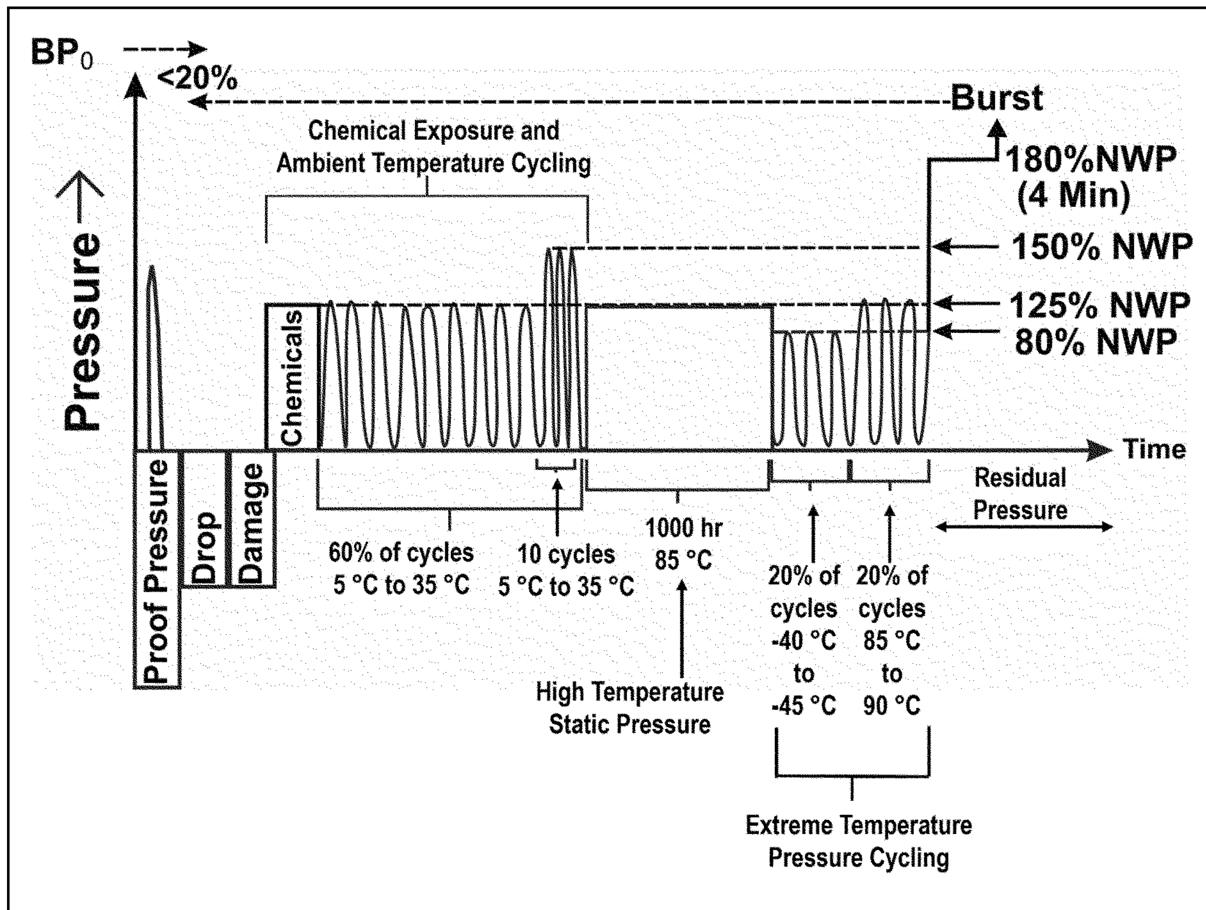

Figure-4: Illustration of the Test for Performance Durability

For similar reasons as those explained above for the baseline tests, the cycling pressure force on containers is applied hydraulically with non-corrosive fluid such as water or a mixture of anti-freeze and water to prevent freezing. This allows for improved test lab safety and faster pressurization and depressurization rates which decreases the cost to conduct the tests.

a. Proof Pressure Test

The proof pressure test is typically done by the manufacturer before sale of the container. The proof pressure test is performed to confirm that the container will not leak nor burst due to a simple over-pressurization event to 150 percent NWP. The test pressure of 150 percent NWP is selected because fueling stations are expected to provide over-pressure protection of 150 percent NWP. A proof pressure test is a stress factor that can in some cases result in micro-cracks appearing in the container. Micro-cracks may weaken a tank's wall strength, causing the potential for leaks or a burst during the proof pressure test or the subsequent performance durability testing. Therefore, it is important that all containers experience proof pressure.

GTR No. 13 states that a container that has undergone a proof pressure test in manufacture is exempt from this test. However, NHTSA may not know whether a container has undergone the proof pressure test. As a result, NHTSA proposes that all containers will be subjected to the proof pressure test as part of the test for performance durability. In the event that a proof pressure test is conducted during manufacture and as part of the tests for performance durability, the container would experience two proof pressure tests. However, it is not expected that a second application will result in significantly more stress to the container than a single proof pressure test. NHTSA seeks comment on conducting the proof pressure test on all containers.

b. Drop Test

The drop test is conducted to simulate dropping the container during handling or installation. Consistent with GTR No. 13, the unpressurized container may be dropped in any one of several orientations such as horizontal, vertical, or at a 45° angle. In the case of a non-cylindrical or asymmetric container, the horizontal and vertical axes may not be clear. In such cases, the container will be oriented using its center of gravity and the center of any of its shut-off valve interface locations. The two points will be aligned horizontally (*i.e.,* perpendicular to gravity), vertically (*i.e.,* parallel to gravity) or at a 45° angle relative to vertical. The center of gravity of an asymmetric container may not be easily identifiable, so NHTSA seeks comment on the appropriateness of using the center of gravity as a reference point for this compliance test and how to properly determine the center of gravity for a highly asymmetric container.

The surface onto which the container is dropped must be a smooth, horizontal, uniform, dry, concrete pad or other flooring type with equivalent hardness. The drop height of 1.8 meters is selected to represent a drop from a forklift during installation. The four possible drop orientations are illustrated in Figure-5 below.

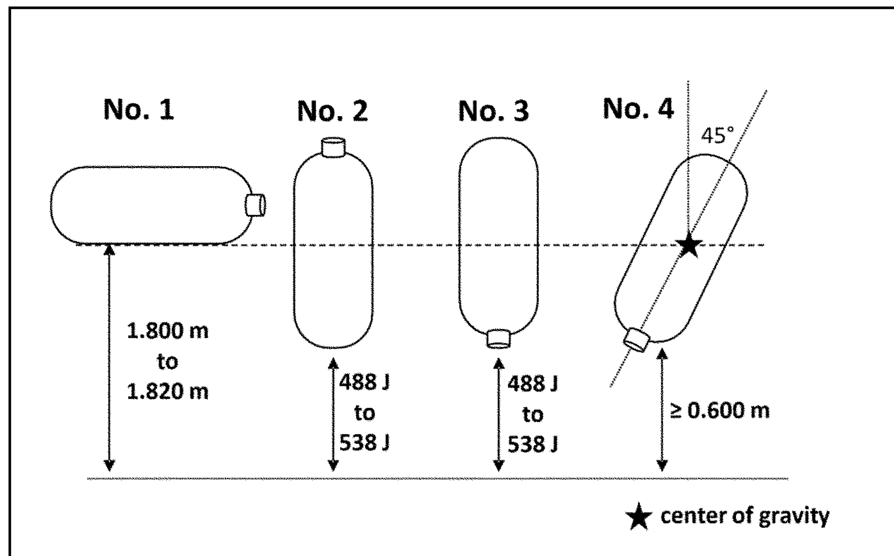

Figure-5: The Four Possible Drop Orientations

GTR No. 13 specifies a potential energy of at least 488 J during the vertical drops, along with a maximum drop height of 1.8 m, and a minimum drop height of 0.1 m. It is possible that a drop involving a very lightweight container could not simultaneously satisfy both the 488 J minimum energy and the 1.8 m maximum height. The IWG of GTR No. 13 Phase 2 resolved this conflict by specifying the vertical drop test potential energy of at least 488 J, with an overriding limitation that the drop height not exceed 1.8 m in any case. In the case of a lightweight container that would require a drop height over 1.8 m to reach 488 J of drop energy, the container should be dropped from 1.8 m, regardless of the potential energy. Similarly, a very heavy container could reach a potential energy [60] of 488 J while being less than 0.1 m above the drop surface. In this case, the container should be dropped from the 0.1 m minimum drop height.

For the angled drop, the container is dropped from any angle between 40° and 50° from the vertical orientation with the center of any shut-off valve interface location downward. However, if the lowest point of the container is closer to the ground than 0.6 m, the drop angle is changed such that the lowest point of the container is 0.6 m above the ground and the center of gravity is 1.8 m above the surface onto which it is dropped. This may result in a drop angle greater than 50° from the vertical orientation.

The drop test is conducted with an unpressurized container because the risk of dropping is primarily aftermarket during vehicle repair where a new storage system, or an older system removed during vehicle service, is dropped from a forklift during handling. Additionally, drop testing conducted by NHTSA under various conditions indicated that an unpressurized container is more susceptible to damage in the drop test than a pressurized container.[61]

The drop test is a test in which container attachments may improve performance by protecting the container when it impacts the ground. Consistent with GTR No. 13, the drop test is conducted on the container with any associated container attachments. NHTSA seeks comment on including container attachments for the drop test.

It is possible that the container could experience damage from the drop test that prevents continuing with the remainder of the tests for performance durability. To address this possibility, NHTSA proposes that if any damage to the container following the drop test prevents further testing of the container, the container is considered to have failed the tests for performance durability and no further testing is conducted.

c. Surface Damage Test

The surface damage test applies cuts and impacts to the surface of the container. The cuts on the surface simulate abrasions that can occur due to container mounting hardware or straps. The impacts simulate on-road impacts, such as flying gravel. The surface damage test consists of two linear cuts and five pendulum impacts.

The linear cuts are created with a saw. The first cut is 0.75 millimeters to 1.25 millimeters deep and 200 to 205 millimeters long. The second cut is 1.25 millimeters to 1.75 millimeters deep and 25 millimeters to 28 millimeters long. The second cut is only applied if the container is to be affixed to the vehicle by compressing its composite surface.

GTR No. 13 allowed all-metal containers to be exempt from the linear cuts because (1) metal is scratch resistant compared to non-metal, and (2) metal containers can be so thin that the cuts would fully penetrate the container. NHTSA's proposal includes this exemption, but NHTSA seeks comment on whether another objective and practicable procedure exists for evaluating surface abrasions that could apply to all containers, such as, for example, the application of a defined cutting force to the container surface.

The impacts are created with a pendulum impactor consisting of a pyramid with equilateral faces and square base, and with the summit and edges being rounded to a radius of 3 mm. The impact of the pendulum occurs with a nominal impact energy of 30 J. Prior to the impacts, the container is preconditioned at −40 °C to simulate a worst-case temperature environment. The temperature of −40 °C was selected based on industry standards.[62] We note that weather records show temperatures

[60] Potential energy is calculated as the product of container mass, gravitational acceleration, and the height from the center of gravity of the container to the surface onto which the container is dropped.

[61] DOT HS_812_988. Hydrogen Container Performance Testing, *https://rosap.ntl.bts.gov/view/dot/62645*.

[62] SAE J2579_201806. Standard for Fuel Systems in Fuel Cell and Other Hydrogen Vehicles.

of −40 °C can occur in northern locations of the United States.[63]

The surface damage test is a test in which container attachments may improve performance by shielding the container from the impacts. For containers with container attachments, GTR No. 13 specifies that if the container surface is accessible, then the test is conducted on the container surface. However, NHTSA is concerned that determining whether the container surface is accessible is subjective, because ''accessible'' is not defined in the GTR and could have many potential meanings. Therefore, NHTSA is not proposing a specification involving the accessibility of the container surface. Instead, NHTSA proposes that if the container attachments can be removed using a process specified by the manufacturer, they will be removed and not included for the surface damage test nor for the remaining portions of the test for performance durability. Testing the container without its container attachments is representative of a situation in which installation personnel remove the container attachments and fail to re-install them before the container enters service. Container attachments that cannot be removed are included for the test. NHTSA seeks comment on including container attachments for the surface damage test.

In accordance with GTR No. 13, NHTSA proposes specifying the pendulum impacts ''on the side opposite from the saw cuts.'' For containers with multiple permanently interconnected chambers, GTR No. 13 specifies applying the pendulum impacts to a different chamber to that where the saw cuts were made. However, the agency is not proposing this distinction for pendulum impact location for containers with multiple permanently interconnected chambers because NHTSA is concerned that it may be less stringent (and thus, potentially less protective of safety) than when impacts are to the same chamber where the cuts were applied. NHTSA seeks comment on whether applying the impacts to the opposite side of the same chamber that received the saw cuts may be more stringent than applying the impacts to a separate chamber, and whether including the specification as written in GTR No. 13 would reduce stringency for containers with multiple permanently interconnected chambers relative to containers with a single chamber.

d. Chemical Exposure and Ambient Pressure Cycling Test

Consistent with GTR No. 13, the chemical exposure test exposes the container to a range of chemicals that might be encountered in on-road service:

- Sulfuric acid at 19 percent in water to simulate battery acid.
- Sodium hydroxide at 25 percent in water to simulate lye.
- Methanol at 5 percent in gasoline to simulate fueling station fluids.
- Ammonium nitrate at 28 percent in water to simulate fertilizer.
- Methanol at 50 percent in water to simulate windshield-washer fluid.

A pad of glass wool saturated with one of the chemicals listed above is applied to each of the pendulum impact locations from the surface damage test. This is done to simulate each chemical exposure in an area where on-road damage has degraded the container's protective coating. The chemicals are applied with glass wool fibers to keep them in place and reduce evaporation.

After the chemical exposures are in place, pressure cycling commences. The test for performance durability uses the same number of cycles as required by the baseline initial cycle test before leakage. This is a total of 7,500 cycles for light vehicles or 11,000 cycles for heavy vehicles. Of the total cycles, 60 percent are conducted with the chemical exposures in place, and at ambient temperature (5 °C to 35 °C). All but the final 10 of these chemical exposure cycles are conducted from low pressure of 2 MPa to high pressure of 125 percent NWP, as in the baseline initial pressure cycle test. These cycles simulate extended vehicle use after impact damage and exposure to chemicals.

The final 10 chemical exposure cycles are conducted to a high pressure of 150 percent NWP to simulate fueling station over-pressurization. After completing chemical exposure cycles, the chemical exposure pads are removed, and the exposed areas are washed with water to remove excess chemicals.

The chemical exposure test is a test in which container attachments may improve performance by shielding the container from the chemical exposures. Container attachments will be included in the chemical exposure test unless they were removed prior to the surface damage test. NHTSA seeks comment on including container attachments for the chemical exposure test.

e. High Temperature Static Pressure Test

Consistent with GTR No. 13, the high temperature static pressure test involves holding the container for 1000 hours at 85 °C and 125 percent NWP. This test simulates an extended exposure to high static pressure and temperature, which is a condition that could occur in the case of a vehicle parked for an extended period of time. The primary risk associated with prolonged parking at high pressure and temperature is stress rupture. However, the stress rupture condition cannot be directly replicated because the relevant time period is years to decades. Alternatively, experimental data on the tensile stress failure of strands representative of those used in container composite wrapping showed that:[64] [65]

- For the glass fiber composite strands, the probability of failure for 25 years under tensile stress of 100 percent NWP is equivalent to 1000 hours under a tensile stress of 125 percent NWP.
- The time to failure increased when the load was reduced.
- Carbon fiber composite strands showed greater resistance to stress rupture than glass fiber composite strands in that a small reduction in the applied load resulted in a greater increase in time to failure for the carbon fiber composite strands than for the glass fiber composite strands.
- For carbon fiber composite strands, the probability of failure for 25 years under tensile stress of 100 percent NWP is approximately equivalent to 500 hours under tensile stress of 125 percent NWP.

An elevated temperature of 85 °C is applied to account for heat-accelerated deterioration. The temperature of 85 °C represents an extreme under-hood temperature for a dark/black-colored vehicle parked outside on asphalt in direct sunlight in 50 °C ambient conditions.[66] Including the extreme temperature condition of 85 °C in the high temperature static pressure test ensures that the container can sustain exposure to 85 °C for 1000 hours under tensile stress of 125 NWP without experiencing stress rupture.

f. Extreme Temperature Pressure Cycling Test

Consistent with GTR No. 13, the extreme temperature pressure cycling test involves pressure cycling at extreme temperatures and simulates operation

[63] Canadian Climate Normals, *https://climate.weather.gc.ca/climate_normals/index_e.html*.

[64] SAE Paper 2009–01–0012. Rationale for Performance-based Validation Testing of Compressed Hydrogen Storage by Christine S. Sloane.

[65] Christine S. Sloane, Hydrogen Storage technology—Materials and Applications, edited by Lennie Klebanoff, Section III–12 with Figure 12.6 Glass fiber composite strands.

[66] SAE J2579_201806. Standard for Fuel Systems in Fuel Cell and Other Hydrogen Vehicles.

(fueling and defueling) in extreme temperature conditions. As mentioned above, the test for performance durability uses the same number of cycles as required by the baseline initial cycle test before leakage. This is a total of 7,500 cycles for light vehicles or 11,000 cycles for heavy vehicles. The extreme temperature pressure cycling test consists of 40 percent of these total cycles, of which half (20 percent of the total) are conducted at −40 °C and the other half are conducted at 85 °C. The cold temperature −40 °C is selected to simulate a worst-case extreme cold environment as explained above for the surface damage test, and the hot temperature of 85 °C is selected for the same reasons discussed above for the high temperature static pressure test. During the cold pressure cycling, the maximum cycling pressure is only 80 percent NWP. This is because fueling pressures do not reach 100 percent NWP when fueling in extreme cold because as temperature decreases, pressure also decreases. During the hot pressure cycling, the maximum cycling pressure is 125 percent NWP for the reasons discussed above for the baseline initial pressure cycle test.

During the extreme temperature pressure cycling test, the relative humidity is maintained above 80 percent to represent high humidity that may foreseeably be encountered in the U.S. Humidity is known to degrade some materials due to the presence of moisture in humid air. Therefore, it is important to include the stress factor of humidity in the test for performance durability.

g. Residual Pressure Test

Consistent with GTR No. 3, the residual pressure test requires pressurizing the container to 180 percent NWP and holding this pressure for 4 minutes. The 180 percent NWP hold for 4 minutes is a simulation of a fueling station pressure regulation failure that results in over-pressurization of the container. This test is conducted after all other external stresses have been applied to the container to simulate over-pressurization near the end of life of the container.[67] [68]

h. Residual Strength Burst Test

Consistent with GTR No. 13, the residual strength burst test involves subjecting the end-of-life container to a burst test identical to the baseline initial burst pressure test. The burst pressure at the end of the durability test is required to be at least 80 percent of the BP_O specified on the container label. This effectively controls the burst pressure degradation rate throughout an extreme service life. Controlling degradation rate is important because, for example, a container starting with a very high BP_O, say 400 percent NWP, but then declining to 180 percent NWP indicates a high degradation rate. NHTSA is concerned that if such a container were to be kept in service beyond its intended service life, the high degradation rate could continue and lead to a high risk of burst. Therefore, the residual burst strength must be at least 80 percent of BP_O. This concept is similar to the requirements for seat belt webbing in FMVSS No. 209 where both minimum breaking strength after abrasion (S4.2d) as well as maximum degradation rate after exposure to light and micro-organisms (S4.2e and S4.2f) are controlled.

6. Test for Expected On-Road Performance

For ensuring safe operations, the CHSS must contain hydrogen without leakage or burst. The expected on-road performance test ensures the CHSS is able to effectively contain hydrogen without leakage or burst. Consistent with GTR No. 13, the test for expected on-road performance uses on-road operating conditions including fueling and defueling the container at different ambient conditions with hydrogen gas at low and high temperatures. The test also includes a static high-pressure hold during which the CHSS is evaluated for hydrogen leakage and/or permeation of hydrogen from the CHSS. The container of the CHSS must withstand 180% NWP hold for 4 minutes and have a burst pressure that is at least 80 percent of its BP_O at the end of the test for expected on-road performance. The test for expected on-road performance is closely consistent with the industry standard SAE J2579_201806.[69]

While the test for performance durability evaluates the durability of the container when exposed to external stress factors combined with hydraulic pressure cycling, the test for expected on-road performance does not evaluate durability and instead focuses on pneumatic hydrogen fueling exposure, along with extreme temperature conditions. When fueling, hydrogen gas increases its temperature due to the Joule Thomson effect.[70] As a result, pneumatic testing with hydrogen gas creates rapid temperature swings within the CHSS that do not occur during hydraulic cycling. Pneumatic testing also can result in hydrogen diffusion into materials, which can have deleterious chemical effects such as hydrogen embrittlement.[71] Due to these unique stress factors, a pneumatic test using hydrogen gas is an effective method for evaluating the susceptibility of the CHSS to hydrogen permeation and leakage.

Again, consistent with GTR No. 13, the test for expected on-road performance starts with a proof pressure test pressurizing the container with hydrogen to 150 percent NWP. This is followed by a total of 500 pressure cycles at various environmental conditions. The 500 cycles are broken up into stages for low temperature cycling, high temperature cycling, and ambient temperature cycling. Table-3 shows the number of cycles during each stage, along with other applicable conditions. After the first 250 cycles, the CHSS is held at high pressure and temperature for up to 500 hours while it is evaluated for leakage and/or permeation. After the completion of all 500 cycles, the CHSS is again held at high pressure and temperature for 500 hours and evaluated for leakage and/or permeation.

Following this second leakage/permeation evaluation, the container is pressurized with hydraulic fluid to 180% NWP and held for 4 minutes. The container then undergoes a residual strength burst test in a similar manner as that described for the test for performance durability. Similar to the test for performance durability, the container's residual burst pressure must be at least 80 percent of BP_O. A visual schematic of the test is shown in Figure-6 below.

[67] SAE J2579_201806. Standard for Fuel Systems in Fuel Cell and Other Hydrogen Vehicles. Appendix H.

[68] Christine S. Sloane, Hydrogen Storage technology—Materials and Applications, edited by Lennie Klebanoff, Section III–12 with Figure 12.6 Glass fiber composite strands.

[69] SAE J2579_201806. Standard for Fuel Systems in Fuel Cell and Other Hydrogen Vehicles.

[70] For more information, *see https://www.britannica.com/science/Joule-Thomson-effect.*

[71] For more information, *see https://www.sciencedirect.com/topics/engineering/hydrogen-embrittlement#:~:text=3.7%20Hydrogen%20Embrittlement-,Hydrogen%20embrittlement%20(HE)%20refers%20to%20mechanical%20damage%20of%20a%20metal,when%20hydrogen%20atoms%20are%20generated.*

TABLE 3—SUMMARY OF THE TEST FOR EXPECTED ON-ROAD PERFORMANCE

Stage of test	Number of cycles	Ambient conditions	Fuel delivery temperature	Pressurization medium
Pneumatic proof pressure test to 150% NWP	not appliable	5.0 °C to 35.0 °C	−40.0 °C to −33.0 °C	*Hydrogen gas.*
Low temperature cycling	5	−30.0 °C to −25.0 °C	15.0 °C to 25.0 °C	*Hydrogen gas.*
Low temperature cycling	20	−30.0 °C to −25.0 °C	−40.0 °C to −33.0 °C	*Hydrogen gas.*
High temperature cycling	25	50.0 °C to 55.0 °C 80% to 100% relative humidity.	−40.0 °C to −33.0 °C	*Hydrogen gas.*
Ambient temperature cycling	200	5.0 °C to 35.0 °C	−40.0 °C to −33.0 °C	*Hydrogen gas.*
Static pressure for up to 500 hours with leak/permeation evaluation.	not appliable	55.0 °C to 60.0 °C	not appliable	*Hydrogen gas.*
High temperature cycling	25	50.0 °C to 55.0 °C, 80% to 100% relative humidity.	−40.0 °C to −33.0 °C	*Hydrogen gas.*
Low temperature cycling	25	−30.0 °C to −25.0 °C	−40.0 °C to −33.0 °C	*Hydrogen gas.*
Ambient temperature cycling	200	5.0 °C to 35.0 °C	−40.0 °C to −33.0 °C	*Hydrogen gas.*
Static pressure for up to 500 hours with leak/permeation evaluation.	not appliable	55.0 °C to 60.0 °C	not appliable	*Hydrogen gas.*
Residual pressure test	not applicable	not applicable	not applicable	Hydraulic fluid.
Burst test	not applicable	not applicable	not applicable	Hydraulic fluid.

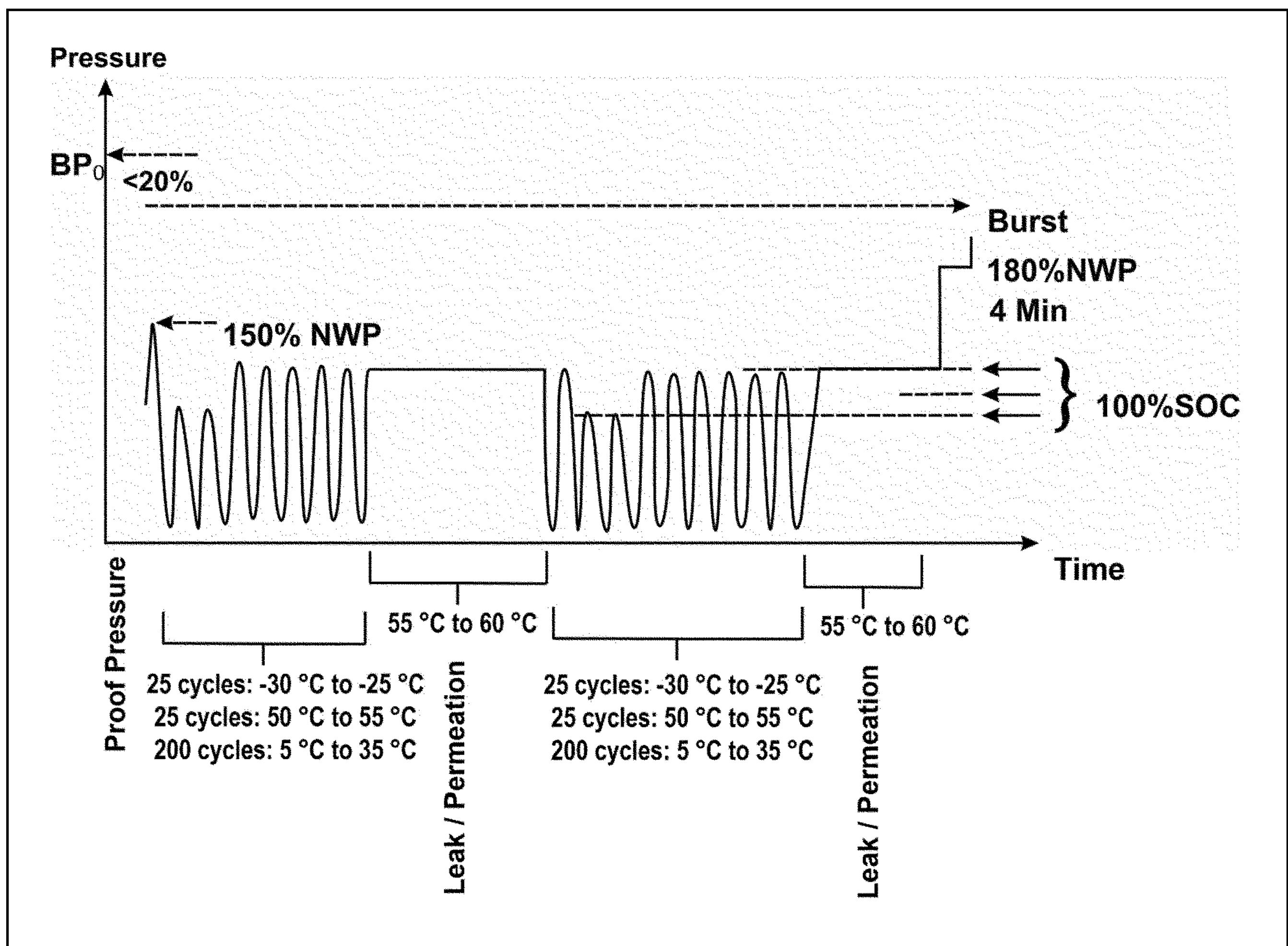

Figure-6: Illustration of the Test for Expected On-Road Performance

a. Proof Pressure Test

The proof pressure test is conducted in the same manner and for the same reasons discussed above for the test for performance durability. However, in this test, the container is pressurized to 150 percent NWP using hydrogen gas which has been pre-cooled to −40.0 °C to −33.0 °C. This is the temperature range to which hydrogen fueling stations typically pre-cool hydrogen to offset the hydrogen's temperature increase during fueling.

b. Ambient and Extreme Temperature Gas Pressure Cycling Test

The expected lifetime fueling exposure consists of 500 fuel cycles from 2 MPa to 125 percent NWP (empty-to-full) under a variety of ambient fueling temperatures. The number 500 is obtained through a calculation of expected vehicle lifetime driving range divided by driving range per full-fueling. This calculation and the data source is summarized in Table-4.

TABLE 4—MAXIMUM NUMBER OF FULL FUELING/DEFUELING CYCLES

	Expected vehicle lifetime driving range	Expected vehicle driving range per full-fueling	Expected worst-case number of full-fueling
Data source	Sierra Research Report No. SR 2004–09–04, September 22, 2004.	2006–2007 market data of high volume passenger vehicle manufacturers in Europe, Japan, North America.	
Calculation	250,000 km (155,000 miles)	483 km (300 miles)	500

Some vehicles may exceed 500 fuel cycles if partial fueling occurs in the vehicle lifetime. However, the stress of full fueling exceeds the stress of partial fueling because of the higher pressure and temperature change during full-fueling. NHTSA believes that, as a result, 500 full-fueling cycles should provide robust demonstration of leak-free fueling capability.

The industry standard SAE J2601_202005 *Fueling protocols for light duty gaseous hydrogen surface vehicles* establishes industry-wide fueling protocols for the fueling of hydrogen into passenger vehicles. The guidelines include: [72]

1. The maximum pressure within the vehicle fuel system is 125 percent NWP
2. Gas temperature within the vehicle fuel system is less than or equal to 85 °C
3. Fuel flow rate at dispenser nozzle is less than or equal to 60 g/s
4. The dispenser is capable of dispensing fuel at temperatures between −40 °C and −33 °C

These guidelines are applied at hydrogen fueling stations when fueling hydrogen vehicles. During the ambient and extreme temperature gas pressure cycling test, the rate of pressurization must be greater than or equal to the ramp rate specified by a table of ramp rates based on SAE J2601_202005, according to the CHSS volume, the ambient conditions, and the fuel delivery temperature. If the required ambient temperature is not available in the table, the closest ramp rate value or a linearly interpolated value is used. This ensures that the fueling cycles are similar to those that would occur during on-road service. Table-5 shows the ramp rates based on SAEJ2601_202005, for different CHSS volume, the ambient conditions, and the fuel delivery temperature. GTR No. 13 specifies that the pressure ramp rate shall be decreased if the measured internal temperature in the container exceeds 85 °C.

TABLE 5—PRESSURE RAMP RATES FOR THE TEST FOR EXPECTED ON-ROAD PERFORMANCE

CHSS volume (L)	CHSS pressurization rate (MPa/min)			
	50.0 °C to 55.0 °C ambient conditions −33.0 °C to −40.0 °C fuel delivery temperature	5.0 °C to 35.0 °C ambient conditions −33.0 °C to −40.0 °C fuel delivery temperature	−30.0 °C to −25.0 °C ambient conditions −33.0 °C to −40.0 °C fuel delivery temperature	−30.0 °C to −25.0 °C ambient conditions 15.0 °C to 25.0 °C fuel delivery temperature
50	7.6	19.9	28.5	13.1
100	7.6	19.9	28.5	7.7
174	7.6	19.9	19.9	5.2
250	7.6	19.9	19.9	4.1
300	7.6	16.5	16.5	3.6
400	7.6	12.4	12.4	2.9
500	7.6	9.9	9.9	2.3
600	7.6	8.3	8.3	2.1
700	7.1	7.1	7.1	1.9
1000	5.0	5.0	5.0	1.4
1500	3.3	3.3	3.3	1.0
2000	2.5	2.5	2.5	0.7
2500	2.0	2.0	2.0	0.5

Extreme environmental temperatures around the world are summarized in Table-6. To ensure safety in extremely hot conditions, some fueling pressure cycles are conducted at 50 °C. To ensure safety in extremely cold conditions, consistent with GTR No. 13 Phase 2 amendments, some fueling pressure cycles are conducted at −25 °C. The temperature −25 °C is used instead of −40 °C because testing at −40 °C is impractical during the test for expected on-road performance. Specifically, a test apparatus must operate at well below −40 °C in order to maintain the temperature surrounding the CHSS at −40 °C. In addition, at −40 °C, test laboratories encounter difficulties such as freezing valves and failing o-ring seals. This can significantly increase test cost. Furthermore, testing conducted by

[72] SAE J2601_202005. Fueling Protocols for Light Duty Gaseous Hydrogen Surface Vehicles. *https://www.sae.org/standards/content/j2601_202005/*.

NHTSA found that, for the test for expected on-road performance, testing at −25 °C yields the same results as testing at −40 °C.[73] This change does not compromise the safety intent of the test because in-tank gas temperatures will reach −40 °C due to gas expansion during depressurization. In addition, pressure cycling under the extreme cold condition of −40 °C is tested separately during the test for performance durability. Therefore, −25 °C is proposed as the extreme cold temperature for the test for expected on-road performance, which is consistent with the Phase 2 amendment to GTR No. 13. In summary, NHTSA is proposing 50 °C for the high temperature pressure cycles and −25 °C for the cold temperature pressure cycles.

TABLE 6—EXTREME ENVIRONMENTAL TEMPERATURES AROUND THE WORLD

Temperature	Areas that occurs	Frequency of sustained exposure to this temperature (year)	Extremes of ambient environmental temperature used for this test
Around 50 °C	desert areas of lower latitude countries	5 percent	50 °C
Less or equal to −40 °C	countries north of the 45th parallel	5 percent	−40 °C
Less than −30 °C	countries north of the 45th parallel	5 percent of vehicle life	

Data source: Environment Canada 1971–2000.

As described above, hydrogen fueling stations typically pre-cool hydrogen to between −40 °C and −33 °C. However, a fueling station failure could result in the fueling station delivering hydrogen at ambient temperature. This would lead to very high temperatures inside the CHSS after a full fueling. To account for this risk, the first 5 cycles in the ambient and extreme temperature gas pressure cycling test are conducted with hydrogen fuel at between 15 °C and 25 °C, as opposed to the pre-cooled hydrogen between −40 °C and −33 °C which is used for the remaining 495 cycles.

All pressure cycles are performed to 100 percent state-of-charge (SOC). SOC is defined by the ratio of hydrogen density at a given temperature and pressure to hydrogen density at NWP and 15 °C.[74] Specifying 100 percent SOC ensures an equivalent quantity of hydrogen in the CHSS regardless of the resulting temperature and pressure. For example, 100 percent NWP at 15 °C corresponds to 80 percent NWP at −40 °C. In either case, however, the CHSS is at 100 percent SOC (fully fueled).

The first 10 cycles (cold cycles) are performed with the CHSS stabilized with the external air temperature surrounding the CHSS at −25 °C at the beginning of the cycle. This ensures there is no residual heat present from the previous fueling cycle and maximizes the severity of the cold external temperature. However, the process to equilibrate a storage system is time-consuming. As a result, the next 15 cycles are performed with an external air temperature surrounding the CHSS of −25 °C, but without CHSS equilibration to the external temperature.

The next 25 cycles are performed with an external temperature of 50 °C. For the first 5 of these cycles, the CHSS is stabilized with the external air temperature surrounding the CHSS at the at the beginning of the cycle. At this point, the external temperature to the system is at its hottest, and the CHSS pressure is at its minimum. The fueling process will then progressively heat the contents of the CHSS until full (100 percent SOC). At this point, the CHSS reaches its hottest possible interior temperature. In addition, these 25 cycles are performed with the relative humidity over 80 percent surrounding the CHSS. This adds the stress of excessive humidity which is common in extreme hot climates. Specifically, the high humidity keeps a thin film of water on surfaces where dissimilar metals may be in contact, such as valve to tank interfaces or valve body to valve connection interfaces. This water film adds the necessary conduction path to effect galvanic corrosion. Galvanic corrosion can cause pitting and other forms of metal loss which can degrade the strength of materials and impact sealing surfaces. Therefore, it is important to include the stress factor of humidity in the test for expected on-road performance

The next 200 cycles are performed with ambient external temperature of (5 °C to 35 °C). This represents a normal ambient temperature. After these 200 cycles (at a total cycle count of 250), the extreme temperature static gas pressure leak/permeation test is performed. This test is discussed in the next section. However, after the completion of the permeation test, pressure cycling continues for an additional 250 cycles.

The first 25 of these additional cycles (cycle count 251–275) are performed with the extreme hot external temperature of 50 °C. The next 25 cycles (cycle count 276–300) are performed with the extreme cold temperature −25 °C. In this series, the order of extreme hot and cold cycles is switched. This accounts for compounding stress from transitioning from hot cycling to cold cycling, as opposed to the previous series, which transitioned from cold to hot. The final 200 cycles (cycle count 301–500) are performed with ambient external temperature of 5 °C to 35 °C. After the completion of cycling, the extreme temperature static gas pressure leak/permeation test is performed for a second time.

GTR No. 13 states that if system controls that are active in vehicle service prevent the pressure from dropping below a specified pressure, the test cycles during the ambient and extreme temperature gas pressure cycling test must not go below that specified pressure. In addition, GTR No. 13 states that if devices and/or controls are used in the intended vehicle application to prevent an extreme internal temperature, the test may be conducted with these devices and/or controls in place. However, NHTSA's approach to testing involves the agency independently purchasing (on the open market) and then testing vehicles. With this approach, NHTSA has no way of determining what system controls and/or devices are active in the vehicle,

[73] DOT HS_811_832. Cumulative Fuel System Life Cycle and Durability Testing of Hydrogen Containers, *https://www.nhtsa.gov/sites/nhtsa.gov/files/811832.pdf.*

[74] Since the hydrogen gas density varies nonlinearly with temperature and pressure, a table is provided in the regulatory text for hydrogen density at different pressures and temperatures.

because this information is typically proprietary and is not publicly available. As a result, all cycles would be performed with an initial pressure of between 1 MPa and 2 MPa and extreme internal temperatures will not be prevented during cycling. Furthermore, and importantly for safety, this is a condition that could occur in the event the system controls and/or devices fail in service.

c. Extreme Temperature Static Gas Pressure Leak/Permeation Test

Leak and permeation are risk factors for fire hazards, particularly when parking in confined spaces such as garages. The extreme temperature static gas pressure leak/permeation test is designed to simulate extended parking in a confined space under an elevated temperature. In these conditions, hydrogen can leak or permeate from the CHSS and slowly accumulate in the surrounding air. During the extreme temperature static gas pressure leak/permeation test, the pressurized CHSS at 100% SOC is held at 55 °C for a period of up to 500 hours. Any hydrogen leakage and/or permeation from the CHSS cannot exceed the limit of 46 milliliter/hour (mL/h) per liter of CHSS water capacity. This limit is discussed below. The test may end before 500 hours if three consecutive hydrogen permeation rates separated by at least 12 hours are within 10 percent of the prior rate because this indicates a permeation steady state has been reached. NHTSA seeks comment on how to accurately measure or otherwise determine the permeation rate from the CHSS.

The leak/permeation limit is characterized by the many possible combinations of vehicles and garages, and the associated test conditions. The leak/permeation limit is defined to restrict the hydrogen concentration from reaching 25 percent lower flammability limit (LFL) by volume. The LFL of hydrogen is lowest concentration of hydrogen in which a hydrogen gas mixture is flammable. National and international standard bodies (such as National Fire Protection Association [NFPA] and IEC) recognize 4 percent hydrogen by volume in air as the LFL.[75] The conservative 25 percent LFL limit accounts for concentration non-homogeneities and is equivalent to 1 percent hydrogen concentration in air.[76] [77]

Worst case ventilation in structures where hydrogen vehicles can be parked is expected to be at or below 0.18 air changes per hour, but the exact design value is highly dependent on the type and location of structures in which the vehicles are parked. In the case of light passenger vehicles, an extremely low air exchange rate (of 0.03 volumetric air changes per hour) has been measured in ''tight'' wood frame structures (with plastic vapor barriers, weather-stripping on the doors, and no vents) that are sheltered from wind and are very hot (55 °C) with little daily temperature swings that can cause density-driven infiltration. The resulting discharge limit for a light vehicle that tightly fits into a garage of 30.4 cubic meters (m^3) with 0.03 volumetric air exchange per hour is 150 mL/minute (at 115 percent NWP for full fill at 55 °C), corresponding to no more than 1 percent hydrogen concentration in air.

In order to determine the leak/permeation limit for the expected on-road performance test, consistent with GTR No. 13, the vehicle-level 150 mL/min leak/permeation limit is expressed in terms of allowable leak/permeation for each container in the storage system at 55 °C and 115 percent NWP. This corresponds to 46 mL/hour(h)/Liter(L)-water-capacity for each container in the storage system.[78] The use of this limit is applicable to light vehicles that are smaller or larger than the base described above. If, for example, the total water capacity of the light vehicle storage system is 330 L (or less) and the garage size is 50 m^3, then the 46 mL/h/L-water-capacity requirement results in a steady-state hydrogen concentration of no more than 1 percent. This can be shown by calculating the allowable discharge from the light vehicle based on the requirement of 46 mL/h/L per container volume capacity (that is, $46 \text{ mL/h/L} \times 330\text{L}/(60 \text{ min/h}) = 253 \text{ mL/min}$) which is similar to the allowable discharge based on the garage size of 50 m^3 with an air exchange rate of 0.03 volumetric air exchanges per hour (that is, $150 \text{ mL/min} \times 50 \text{ m}^3/30.4 \text{ m}^3 = 247 \text{ mL/min}$). Since both results are essentially the same, the hydrogen concentration in the garage is not expected to exceed 1 percent for light vehicles with storage systems of 330L (or less) in 50 m^3 garages.

Since the discharge limit has been found to be reasonably scalable depending on the vehicle size, the discharge limit for alternative vehicle sizes in tight-fitting garages with 0.03 volumetric air exchanges per hour can be determined from the 150 mL/minute discharge limit computed above using a scaling factor R computed as:

$$R = (V_{width}+1)\ (V_{height}+0.5)\ (V_{length}+1)/30.4$$

where:

V_{length}, V_{width}, and V_{height} are the dimensions of the vehicle in meters,

Similarly, the use of 46 mL/h/L-water-capacity requirement for storage system containers is also scalable to larger medium-duty and heavy-duty vehicles. Figure-7 shows the required volumetric air exchange rate that would result in less than 25 percent LFL of hydrogen by volume in garages of various sized vehicles equipped with CHSS that have no more than a 46 mL/L/H permeation rate. Examples of current or currently-planned hydrogen vehicles shown in Figure-7 indicate that the required ventilation rate for garages of large vehicles (buses and tractor-trailers) is lower than that of small vehicles (passenger cars). Light hydrogen vehicles which can possibly be parked in tight garages (with as low as 0.03 volumetric air changes per hour) are required to have permeation/leak rate less than of 46 mL/hour(h)/Liter(L)-water-capacity for each container in the vehicle's CHSS.[79] Even though medium-duty and heavy-duty vehicles are not expected to be parked in such ''tight'' garages as is the case with light vehicles, in order to better meet the safety need, we conservatively assume an equivalent rate of 0.03 volumetric air exchanges for garages of these vehicles.

[75] *See* Gases—Explosion and Flammability Concentration Limits. *https://www.engineeringtoolbox.com/explosive-concentration-limits-d_423.html.*

[76] Data for hydrogen dispersion behavior, garage and vehicle scenarios, including garage sizes, air exchange rates and temperatures, and the calculation methodology are found in the following reference prepared as part of the European Network of Excellence HySafe: P. Adams, A. Bengaouer, B. Cariteau, V. Molkov, A.G. Venetsanos, ''Allowable hydrogen permeation rate from road vehicles,'' *https://h2tools.org/sites/default/files/2019-08/paper_-_part_1.pdf.*

[77] NFPA 30A–2015, Code for Motor Fuel Dispensing Facilities and Repair Garages, 7.4.7.1, *https://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=30A.*

[78] Data for hydrogen dispersion behavior, garage and vehicle scenarios, including garage sizes, air exchange rates and temperatures, and the calculation methodology are found in the following reference prepared as part of the European Network of Excellence HySafe: P. Adams, A. Bengaouer, B. Cariteau, V. Molkov, A.G. Venetsanos, ''Allowable hydrogen permeation rate from road vehicles,'' *https://h2tools.org/sites/default/files/2019-08/paper_-_part_1.pdf.*

[79] This leak/permeation limit for each container ensures that the hydrogen concentration is lower than 25 percent of the lower flammability limit (LFL) by volume and the hydrogen concentration in air is less than 1 percent.

While it is foreseeable that medium-duty and heavy-duty vehicles may be parked in more open (naturally-ventilated) or mechanically-ventilated spaces, the 46 mL/h/L-water-capacity requirement for storage system containers provides a safety margin in the event of mechanical ventilation failures.

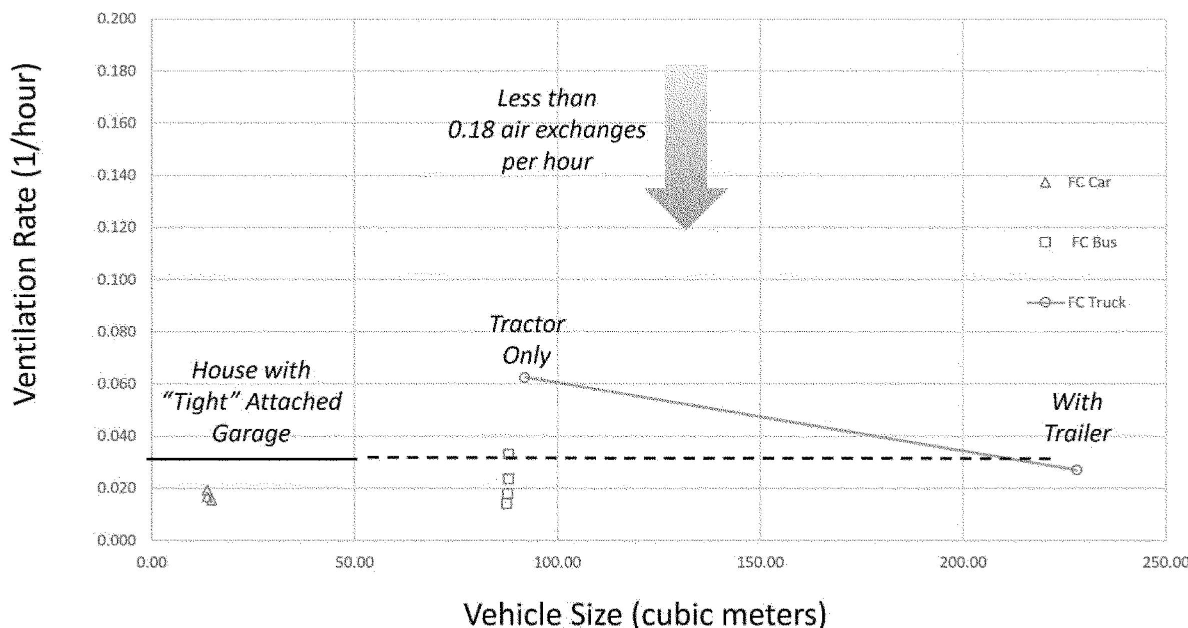

Figure-7: Required Volumetric Air Exchange Rate (Ventilation Rate) of Enclosed Space Surrounding a Hydrogen Vehicle That Results in Less Than 25 Percent Lower Flammability Limit of Hydrogen by Volume

In addition to the required leak/permeation limit discussed above, GTR No. 13 also includes a localized leak requirement. This requirement is based on the SAE technical paper 2008–01–0726, *Flame Quenching Limits of Hydrogen Leaks*.[80] This paper states that the lowest possible flammable flow for hydrogen is about 0.005 milligrams per second (mg/s) (3.6 normal millilitres per minute (NmL/min)).[81] As a result, if a hydrogen permeation rate over 0.005 mg/s is detected, a localized leak test ensures that the hydrogen is not all emanating from the same localized area of the container. This leak test is conducted as a bubble test. In a bubble test, a surfactant solution is applied across the CHSS and the tester observes for the formation of bubbles in the solution resulting from any leaks. If bubbles are detected, the test lab estimates the leak rate based on the average size of the bubbles and the number of bubbles generated per unit of time.

However, NHTSA is concerned that this requirement would not meet the Safety Act requirement for FMVSSs to be objective, due to the subjective estimation of bubble sizes. Therefore, the localized leak requirement has not been included in FMVSS No. 308. Furthermore, NHTSA believes that the primary safety risk of accumulating hydrogen is already addressed by the overall permeation limit of 46 mL/h/L-water-capacity. NHTSA seeks comment on not including the localize leak requirement during the extreme temperature static gas pressure leak/permeation test. If commenters believe it should be included, NHTSA requests that they explain (1) how they believe it could be made more objective and (2) how specifically it would add to the standard's ability to meet the safety need.

d. Residual Pressure Test & Residual Strength Burst Test

The residual pressure test and residual strength burst test are conducted in the same manner and for the same reasons discussed above for the test for performance durability.

7. Test for Service Terminating Performance in Fire

Vehicle fire presents a severe risk to the safe containment of hydrogen. Fire can rapidly degrade the container while simultaneously increasing the pressure inside the container. To avoid the possibility of burst, CHSS should be designed to vent their pressurized contents when exposed to fire. Under the proposed standard, the CHSS must vent its pressurized hydrogen during the test for service terminating performance in fire, discussed below, which simulates a vehicle fire. The CHSS must expel its contents (high pressure hydrogen gas) in a controlled manner through its TPRD(s) without the occurrence of burst.

A comprehensive examination of CNG container in-service failures between 2000 and 2008 showed that the majority of fire incidents occurred on storage systems that did not utilize properly designed TPRDs.[82] The in-service failures resulted when TPRDs did not respond to protect the container due to the lack of adequate heat exposure on the TPRDs, while a small ''localized'' fire degraded the container wall elsewhere, eventually causing the container to burst. Prior to GTR. No. 13, localized fire exposure had not been addressed in regulations or industry standards. The test for service terminating performance in fire

[80] SAE Technical report 2008–01–0726. Flame Quenching Limits of Hydrogen Leaks. Figure 3 to Figure 9. *https://www.sae.org/publications/technical-papers/content/2008-01-0726/*.

[81] A normal milliliter, also known as a standard cubic centimeter, represents the volume a gas would occupy at standard temperature (0 °C) and standard pressure (1 atmosphere).

[82] SAE Technical Paper 2011–01–0251. Establishing Localized Fire Test Methods and Progressing Safety Standards for FCVs and Hydrogen Vehicles. *https://www.sae.org/publications/technical-papers/content/2011-01-0251/*.

addresses both localized and engulfing fires with two respective test stages.

The test for service terminating performance in fire evaluates the CHSS. It is possible that vehicle manufacturers may add additional fire protection features as part of overall vehicle design, and GTR No. 13 includes the option of conducting CHSS fire testing with vehicle shields, panels, wraps, structural elements, and other features as specified by the manufacturer. However, adding vehicle-level protection features is not practical for testing. Furthermore, NHTSA believes that it is important for safety that the CHSS itself can withstand fire and safely vent in the event its shielding is compromised—for example, if a crash damages the shielding, and the shielding was an integral part of the CHSS's ability to withstand fire, then the CHSS should be able to vent properly before it explodes. As a result, vehicle-level protection measures are not evaluated by the test for service terminating performance in fire. However, if a CHSS includes container attachments, these attachments are included in the fire test. NHTSA seeks comment on excluding vehicle-specific shielding and on including container attachments as part of the fire test, particularly in the case of container attachments which can be removed using a process specified by the manufacturer.

The fire test temperature targets set forth in GTR No. 13 are based on vehicle fire experiments conducted by the Japanese Automobile Research Institute (JARI).[83] Some key findings from these vehicle-level fire experiments are as follows:

- About 30 to 50 percent of the JARI vehicle fires resulted in a ''localized'' fire. In these cases, the data indicated the container could have been locally degraded before TPRDs would have activated.
- Thermal gravimetric analysis (TGA) indicated that composite container materials begin to degrade rapidly at 300 °C.
- While the vehicle fires often lasted 30–60 minutes, the period of localized fire container degradation lasted less than 10 minutes.
- Peak temperatures on the test containers' surfaces reached 700 °C during the localized fire stages.
- The rise in peak temperature near the end of the localized fire period often indicated the transition to an engulfing fire.
- Peak temperatures on the test containers' surfaces reached 1000 °C during the engulfing fire stage.

Based upon these experiments, temperature limits were defined in GTR No. 13 to characterize the thermal exposure during the localized and engulfing fire stages:

- The minimum container surface temperature during the localized fire stage for the side of the container facing the fire was set to 450 °C to create a challenging but realistic thermal condition.
- The maximum container surface temperature during the localized fire stage for the side of the container facing the fire and for the sides of the container was set to 700 °C.
- The minimum container surface temperature during the engulfing fire stage on the side of the container facing the fire was set to 600 °C, because this was the lowest value observed for this side of the container during the engulfing fire stage.
- A maximum temperature limit on the bottom of the container during the engulfing stage was not necessary as the temperature is naturally limited.

The updates to the fire test by the IWG of GTR No. 13 Phase 2 focused on improving the repeatability and reproducibility across test laboratories. Two significant improvements to the fire test are (1) the use of a pre-test checkout procedure and (2) basic burner specifications. The pre-test checkout requires conducting a preliminary fire exposure on a standardized steel container to verify that specified fire temperatures can be achieved for the localized and engulfing fire segments of the test prior to conducting the fire test on a CHSS. During this pre-test checkout, the fuel flow is adjusted to achieve fire temperatures within the limits given in Table-7 as measured on the surface of the pre-test steel container. The use of a pre-test steel container instead of an actual CHSS improves the accuracy and repeatability of the test because it avoids possible container material degradation that could affect the temperature measurements.

TABLE 7—PRE-TEST CHECKOUT TEMPERATURE REQUIREMENTS

Fire stage	Temperature range on bottom of pre-test container	Temperature range on sides of pre-test container	Temperature range on top of pre-test container
Localized	450 °C to 700 °C	less than 750 °C	less than 300 °C.
Engulfing	Average temperatures of the pre-test container surface measured at the three bottom locations must be greater than 600 °C.	Not applicable	Average temperatures of the pre-test container surface measured at the three top locations must be at least 100 °C, and when greater than 750 °C, must also be less than the average temperatures of the pre-test container surface measured at the three bottom locations.

In addition to temperature requirements, GTR No. 13 also specifies required heat release rates per unit area (HRR/A) during the localized and engulfing fire stages. The HRR/A is calculated using the lower heating value (LHV) of the fuel, which is measured in megajoules of energy released per kilogram of fuel consumed. To obtain HRR/A, the fuel flow rate is multiplied by LHV and then divided by the burner area. GTR No. 13 specifies a standardized calculation for burner area. NHTSA has considered the specification for HRR/A and determined that it could result in over-specification of the test parameters, potentially making it very difficult to conduct the test. In addition, NHTSA believes that the detailed temperature specifications for the pre-test container during the pre-test checkout are sufficient to ensure repeatability and reproducibility of the test.[84] Therefore, NHTSA is not proposing specifications for HRR/A. NHTSA seeks comment on this decision.

[83] *Id.*

[84] Testing conducted to support enhancement of the fire test specifications in GTR No. 13 Phase 2 indicated that the container surface temperature specifications in the pre-test container fire test along with the burner temperatures provided the needed repeatability and reproducibility of the test.

The dimensions of the pre-test steel container for the pre-test checkout are similar to those of the containers from the JARI vehicle fire tests. The standard pre-test steel container is fabricated from 12-inch Schedule 40 NPS pipe along with end caps. The diameter of this pipe is 12 inches (304 mm), while the length is:

- at least 800 mm
- not greater than 1.65 m
- greater than or equal to the length of the CHSS to be tested, unless the CHSS is greater than 1.65 m

The pre-test steel container is instrumented with thermocouples in the same manner as the containers in the JARI vehicle fire tests and mounted above the burner in the same manner as the CHSS to be fire tested. Thermocouples are located along the cylindrical section of the pre-test container at the bottom surface exposed to the burner flame, mid-height along the left and right side of the cylindrical surface, and top surface opposite the direct exposure to the burner flame. Example thermocouple locations are shown below in Figure-8.

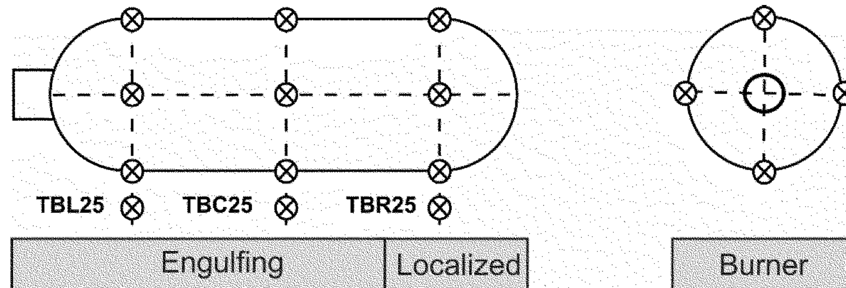

Figure-8: Thermocouple Locations for the Pre-Test Checkout

The positioning of the pre-test container relative to the localized and engulfing zones of the burner in the pre-test checkout must be consistent with the positioning of the CHSS over the burner that is to be tested.

The three thermocouples along the bottom (labeled TBL25, TBC25, TBR25 in Figure-8) are considered burner monitor thermocouples. These thermocouples are positioned 25 mm below the pre-test container. Since these thermocouples are intended to monitor the burner, an alternative would be to position these thermocouples relative to the burner itself. NHTSA seeks comment on whether it is preferable to position the burner monitor thermocouples relative to the pre-test container or relative to the burner.

The pre-test checkout is performed at least once before the commissioning of a new test site. Additionally, if the burner and test setup is modified to accommodate a test of different CHSS configurations than originally defined or serviced, then repeat of the pre-test checkout is needed prior to performing CHSS fire tests. NHTSA seeks comment on the frequency of conducting this pre-test checkout for ensuring repeatability of the fire test on CHSS.

After the pre-test checkout is satisfactorily completed, the steel pre-test container is removed and the CHSS to be fire tested is mounted for testing. The CHSS fire test is then conducted with fuel flow settings identical to the pre-test checkout. The profile of the CHSS fire test is shown in Figure-9. During the CHSS fire test, the only thermocouples used are the burner monitor thermocouples, which are positioned 25 mm below the bottom of the CHSS. Temperatures on the surface of the CHSS will vary naturally based on interactions with the flames, and these temperatures are not controlled during the CHSS fire test. The burner monitor thermocouples are used only to ensure the burner is producing a fire closely matching the pre-test checkout.

The localized fire continues for a total of 10 minutes and then the test transitions to the engulfing stage which continues until the test is complete (test completion is discussed below). The minimum value for the burner monitor temperature during the localized fire stage ($Tmin_{LOC}$) is calculated by subtracting 50 °C from the minimum of the 60-second rolling average of the burner monitor temperature in the localized fire zone of the pre-test checkout. The minimum value for the burner monitor temperature during the engulfing fire stage ($Tmin_{ENG}$) is calculated by subtracting 50 °C from the minimum of the 60-second rolling average of the average burner monitor temperature in the engulfing fire zone of the pre-test checkout.

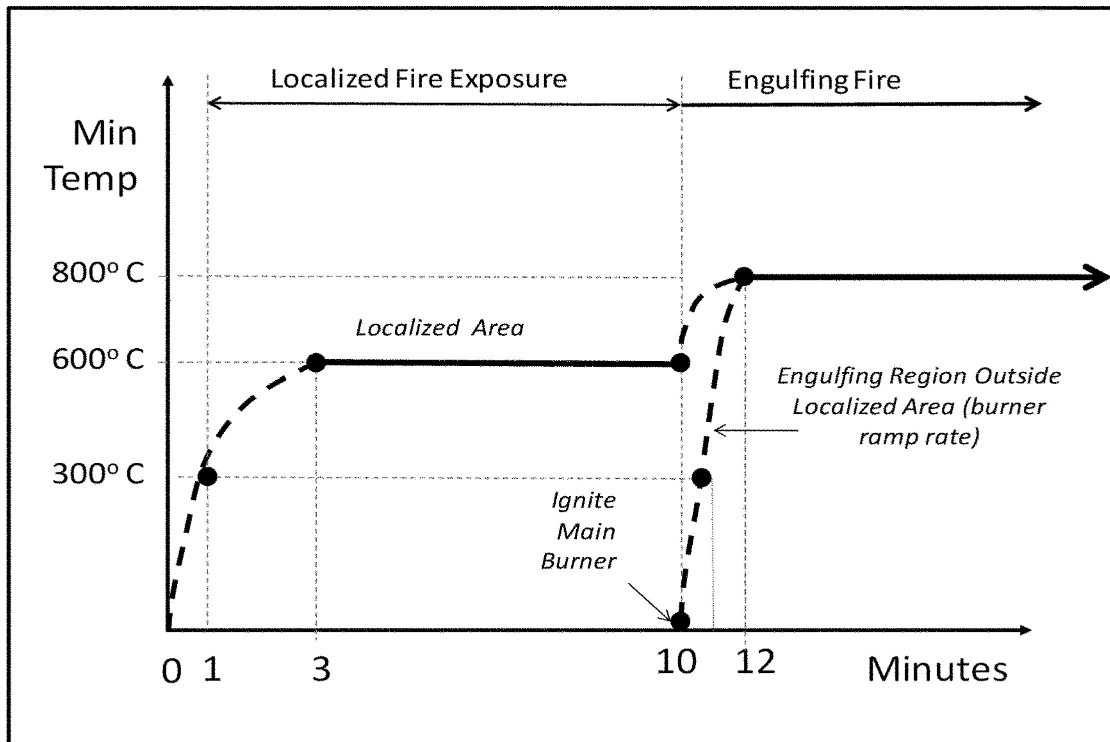

Figure-9: Temperature Profile of the Fire Test

NHTSA has conducted CHSS fire testing to verify the feasibility of the test for service termination performance in fire as currently proposed. Overall, the testing was completed successfully, demonstrating the feasibility of the proposed test for service terminating performance in fire. The results of this testing are summarized in the test report *GTR No. 13 Fire and Closures Tests*.[85]

In some cases during testing, however, temperatures measured at the burner monitor thermocouples did not satisfy the required $Tmin_{ENG}$. NHTSA's testing indicated that the airflow during the pre-test may be different from that of the CHSS if the pre-test container length is substantially different from that of the CHSS to be tested. The difference in air flow between the two tests could cause differences in fire input to the CHSS compared to the pre-test container. Therefore, NHTSA recommends that for CHSS of length between 600 mm and 1650 mm, the difference in the length of the pre-test container and the CHSS be no more than 200 mm. NHTSA seeks comment on whether this recommendation should be a specification for the pre-test container.

In addition, NHTSA seeks comment on the requirement for $Tmin_{ENG}$. In particular, NHTSA seeks comment on allowing for a wider variation than 50 °C below the pre-test temperatures. A variation of 50 °C is small in the context of fire temperatures, and such a small variation limit may make the test more difficult for test labs to conduct. Furthermore, as currently specified, $Tmin_{LOC}$ and $Tmin_{ENG}$ would be time-dependent variables because they are based on a time-dependent rolling average. Having $Tmin_{LOC}$ and $Tmin_{ENG}$ being time-dependent is complex and would make the testing difficult to monitor. NHTSA seeks comment on a simpler calculation for T_{minLOC} and T_{minENG} that will result in constant values for $Tmin_{LOC}$ and $Tmin_{ENG}$. NHTSA proposes that $Tmin_{LOC}$ be calculated by subtracting 50 °C from the minimum value of the 60-second rolling average of the burner monitor temperature in the localized fire zone of the pre-test checkout. Similarly, NHTSA proposes that $Tmin_{ENG}$ be calculated by subtracting 50 °C from minimum value of the 60-second rolling average of the average of the three burner monitor temperatures during the engulfing fire stage of the pre-test checkout. NHTSA seeks comment on whether these revised calculations for T_{minLOC} and T_{minENG} should be required.

GTR No. 13 specifies additional pre-test checkout procedures intended for irregularly shaped CHSS which are expected to impede air flow through the burner. These procedures involve constructing a pre-test plate having similar dimensions to the CHSS to be tested. A second pre-test checkout is conducted using the pre-test plate and using the burner monitor thermocouples. If the burner monitor thermocouple temperatures do not satisfy both $Tmin_{LOC}$ and $Tmin_{ENG}$, then the pre-test plate is raised by 50 mm, and a third pre-test checkout is conducted. GTR No. 13 specifies that this process is repeated until burner monitor thermocouple temperatures satisfy $Tmin_{LOC}$ and $Tmin_{ENG}$. NHTSA has considered this additional pre-test process and determined that it is unnecessary. The goal of the pre-test checkout is a repeatable and reproducible fire exposure among different testing facilities. NHTSA has determined there is no need for design-specific modification to the fire test procedure. Furthermore, the additional pre-test procedures add considerable complexity to the test procedure, and as a result could undermine the repeatability and reproducibility of the fire test. Therefore, NHTSA is not proposing these additional pre-test procedures. NHTSA seeks comment on this decision. If commenters believe that the additional pre-test procedures are necessary, NHTSA requests that they explain (1) how they would improve the safety outcome of the standard, and (2) how they would improve the

[85] See the report titled ''GTR No. 13 Fire and Closures Tests'' submitted to the docket of this NPRM. This report will also be submitted to the National Transportation Library. *https://rosap.ntl.bts.gov/.*

repeatability and reproducibility of the fire test.

Liquefied petroleum gas, also known as liquified propane gas or simply LPG, is the selected fuel for the test burner because it is globally available and easily controllable to maintain the required thermal conditions. The use of LPG was deemed adequate by the IWG to reproduce the thermal conditions on the steel container that occurred during the JARI vehicle fire tests without concerns of carbon formation that can occur with other liquid fuels. The relatively low hydrogen to carbon (H/C) ratio of LPG at approximately 2.67 allows the flame to display flame radiation characteristics (from carbon combustion products) more similar to petroleum fires (with a H/C of roughly 2.1) than natural gas, for example, which has an H/C ratio of approximately 4.0. Also, The LPG flame is more uniform and is easier to control than natural gas and gasoline flames. For this reason, LPG fuel is the choice for most testing purposes to improve the repeatability and reproducibility of the test.

To further improve test reproducibility, a burner configuration is defined in S6.2.5.1 with localized and engulfing fire zones. The burner configuration specifications are listed in Table-8 below.

TABLE-8—BURNER SPECIFICATIONS

Item	Description
Nozzle Type	Liquefied petroleum gas fuel nozzle with air pre-mix.
• LPG Orifice in Nozzle	1 mm ± 0.1 mm inner diameter.
• Air Ports in Nozzle	Four holes, 6.4 mm ± 0.6 mm inner diameter.
• Fuel/Air Mixing Tube in Nozzle	10 mm ± 1 mm inner diameter.
Number of Rails	Six.
Center-to-center Spacing of Rails	105 mm ± 5 mm.
Center-to-center Nozzle Spacing Along the Rails	50 mm ± 5 mm.

These specifications allow the fire test to be performed without a burner development program. NHTSA believes that use of a standardized burner configuration is a practical way of conducting fire testing and should reduce variability in test results through commonality in hardware. Flexibility is provided to adjust the length of the engulfing fire zone to match the CHSS length, up to a maximum of 1.65 m. This allows test laboratories to reduce burner fuel consumption when testing small containers. The width of the burner, however, is fixed at 500 mm for all fire tests, regardless of the width or diameter of the CHSS container to be tested, so that each CHSS is evaluated with the same fire condition regardless of size. The length of the localized fire zone is also fixed to 250 mm for all fire tests. An example of a typical burner is shown in Figure-10 and Figure-11 below. NHTSA seeks comment on a specification for the burner rail tubing shape and size, which can affect the spacing between the nozzle tips.

GTR No. 13 specifies that the CHSS is rotated relative to the localized burner to minimize the ability for TPRDs to sense the fire and respond. GTR No. 13 specifies establishing a worst-case based on the specific CHSS design. However, NHTSA is concerned that establishing a worst-case based on a specific design may be subjective. NHTSA instead proposes that the CHSS is positioned for the localized fire by orienting the CHSS relative to the localized burner such that the distance from the center of the localized fire exposure to the TPRD(s) and TPRD sense point(s) is at or near maximum. This provides a challenging condition where the TPRD(s) may not sense the localized fire. The engulfing fire zone includes the localized fire zone and extends along the complete length of the container, in one direction, towards the nearest TPRD or TPRD sense point, up to a maximum burner length of 1.65 m. Some examples of possible burner orientations are shown in Figure-12 and Figure-13. NHTSA seeks comment on the proposed orientation of the CHSS relative to the localized burner.

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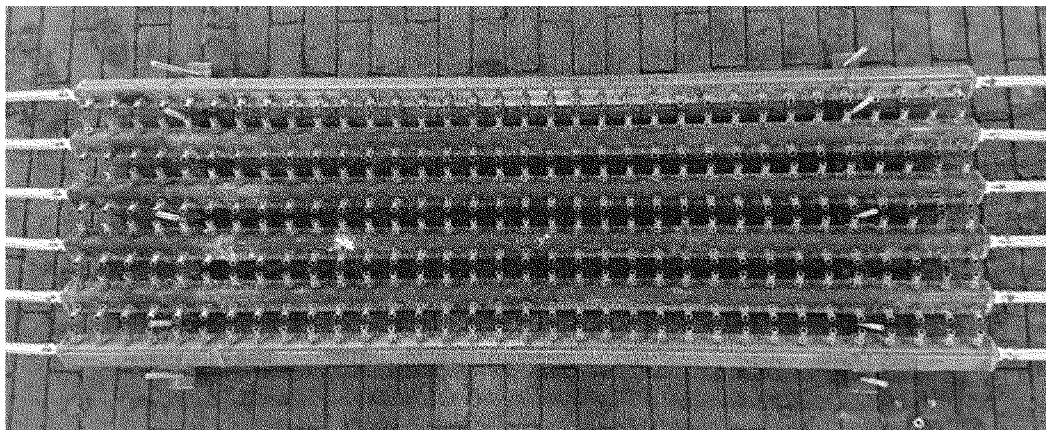

Figure-10: Example Burner Top View

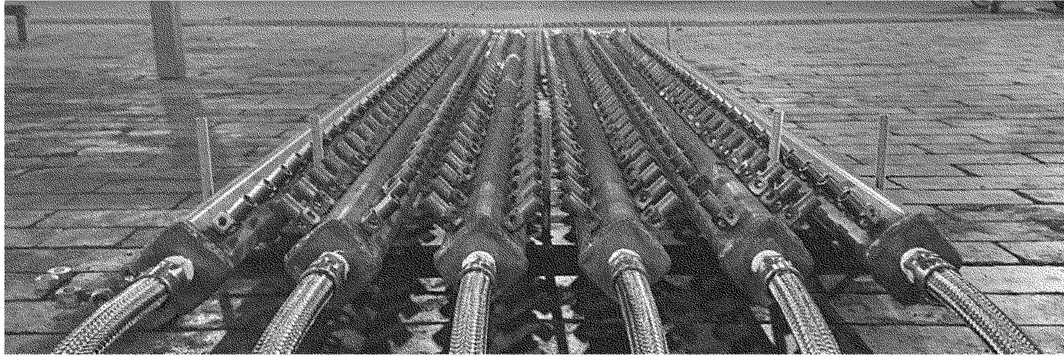

Figure-11: Example Burner Side View

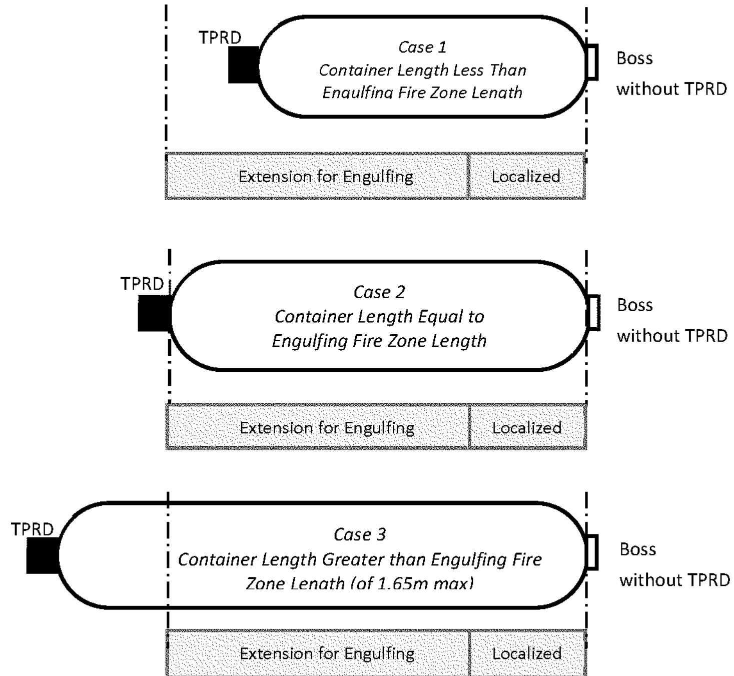

Figure-12: Example Burner Orientations With Single TPRD

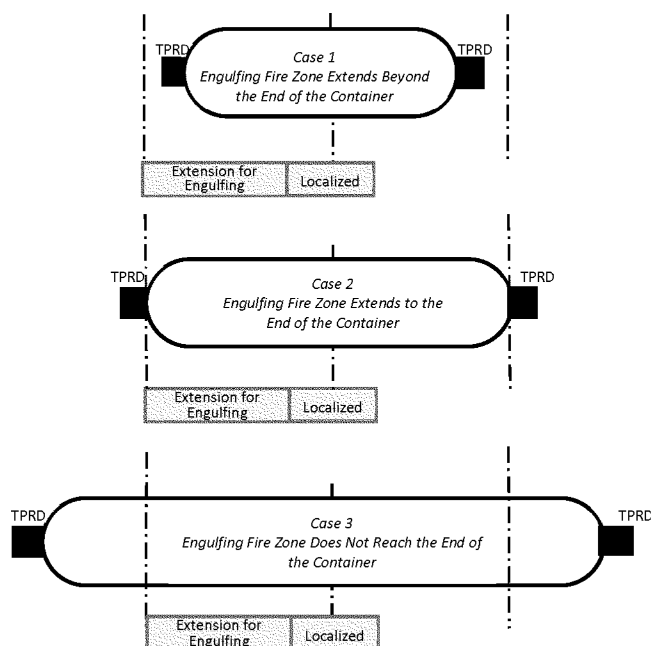

Figure-13: Example Burner Orientations With Two TPRDs

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When testing is conducted outdoors, wind shielding is required to prevent wind from interfering with the flame temperatures. In order to ensure that wind shields do not obstruct the drafting of air to burner, which could cause variations in test results, the wind shields need to be at least 0.5 m away from the CHSS being tested. Finally, for consistency, the wind shielding used for the pre-test checkout must be the same as that for the CHSS fire test. NHTSA seeks comment on whether specifications for wind shielding should be provided in the regulatory text of the standard, and if so, what the specifications should be. As an additional approach to addressing wind interference with flame temperatures, NHTSA is considering for the final rule to limit average wind velocity during testing to 2.24 meters/second, as in FMVSS No. 304.[86] NHTSA seeks comment on limiting wind speed during testing.

In order to minimize hazard, jet flames occurring anywhere other than a TPRD outlet, such as the container walls or joints, cannot exceed 0.5 meters in length. NHTSA seeks comment on how to accurately measure jet flames.

Consistent with GTR No. 13, if venting occurs though the TPRD(s), the venting is required to be continuous so the vent lines do not experience periodic flow blockages which could interfere with proper venting. The fire test is completed successfully after the CHSS vents its contents and the CHSS pressure falls to less than 1 MPa. If the CHSS has not vented below 1 MPa within 60 minutes for vehicles with a GVWR of 4,536 kg (10,000 pounds) or less, or 120 minutes for vehicles with a GVWR over 4,536 kg (10,000 pounds), the CHSS is considered to have failed the test.

The value of 1 MPa is selected such that the risk of stress rupture after venting is minimal. The time limits are selected to represent long-lasting fires such as battery fires or vehicle fires occurring inside of building structures. The time limit for heavy vehicles is longer because heavy vehicles are larger in size and often carry cargo or refuse. Both of these factors tend to prolong fire duration.

8. Tests for Performance Durability of Closure Devices

Like the CHSS, closure devices (like the TPRD, check valve and shut-off valve) must be durable and maintain their expected operational capabilities during their lifetime of service. Closure devices must demonstrate their operability and durability in service by completing a series of performance tests as discussed below. Closure device operability and durability is essential for the integrity of the CHSS because these devices isolate the high-pressure hydrogen from the remainder of the fuel system and the environment. While the closure devices are challenged in the CHSS performance tests above, additional specific tests may further enhance safety. In addition, specific component testing enables equivalent components to be safely exchanged in a CHSS.

The tests for performance durability of closure devices in GTR No. 13 are closely consistent with the industry standards CSA/ANSI HPRD 1–2021, *Thermally activated pressure relief devices for compressed hydrogen vehicle fuel containers,* and CSA/ANSI HGV 3.1–2022, *Fuel System Components for Compressed Hydrogen Gas Powered Vehicles*.[87][88] The tests for performance durability of closure devices carry a significant test burden. To evaluate a single TPRD design, 13 TPRD units are required for a total of 29 individual tests (some units undergo multiple tests in a sequence). Similarly, to evaluate a single shut-off valve or check valve, 8 units are required for a total of 17 individual tests. While NHTSA is proposing these requirements to be consistent with GTR No. 13, NHTSA seeks comment on whether testing of this extent is necessary to meet the need for safety, or whether it is still possible to meet the need for safety with a less-burdensome test approach or with a subset of the test for performance durability of closure devices. If commenters believe another approach or subset of tests is appropriate and meets the need for safety, NHTSA requests that commenters provide specific detail on

[86] FMVSS No. 304, ''Compressed natural gas fuel container integrity,'' *https://www.ecfr.gov/current/title-49/subtitle-B/chapter-V/part-571/subpart-B/section-571.304.*

[87] *See. https://webstore.ansi.org/standards/csa/csaansihprd2021.*

[88] *See. https://webstore.ansi.org/standards/csa/csaansihgv2015r2019.*

(1) the alternate approach or subset of tests and (2) how it meets the need for safety adequately.''

Furthermore, FMVSS represent minimum performance requirements for safety. FMVSS does not address issues such as component reliability or best practices. These considerations are left to industry standards. NHTSA seeks comment on whether a reduced subset of the tests for performance durability of closure devices could ensure safety with a lower overall test burden. In such a subset, only those tests directly linked to critical safety risks would be included.

The tests for performance durability of closure devices are conducted on finished components representative of normal production. To enable outdoor testing without special temperature controls that would increase testing costs, NHTSA proposes that testing be conducted at an ambient temperature of 5 °C to 35 °C, unless otherwise specified. In addition, GTR No. 13 specifies that all tests be performed using either:

- Hydrogen gas compliant with SAE J2719_202003, *Hydrogen Fuel Quality for Fuel Cell Vehicles,* or
- Hydrogen gas with a hydrogen purity of at least 99.97 percent, less than or equal to 5 parts per million of water, and less or equal to 1 part per million particulate, or
- A non-reactive gas instead of hydrogen.

The standard J2719_202003 specifies maximum concentrations of individual contaminants such as methane and oxygen. Limiting these individual contaminants are critical for fuel cell operation, however, they are unlikely to affect the results of the tests for performance durability of closure devices.

As a result, FMVSS No. 308 will only require hydrogen with a purity of at least 99.97 percent, less than or equal to 5 parts per million of water, and less or equal to 1 part per million particulate. NHTSA seeks comment on any other impurities that could affect the results of the tests for performance durability of closure devices.

Using a non-reactive gas for testing would have the benefit of reducing the test lab safety risk related to handling pressurized hydrogen. However, it is not clear if replacing hydrogen with a non-reactive gas reduces stringency and therefore may not adequately address the safety need. As a result, this option has not been proposed in FMVSS No. 308. NHTSA seeks comment on whether testing with a non-reactive gas instead of hydrogen reduces test stringency. If commenters believe (and can explain) that it does not reduce test stringency, NHTSA requests that they identify a suitable non-reactive gas to replace hydrogen, such as helium or nitrogen, and explain why it is suitable.

a. TPRD

Failure of a TPRD to properly vent in the event of a fire could lead to burst. Accordingly, TPRDs must demonstrate operability and durability in service by successfully completing the applicable tests for performance durability of closure devices. This is a series of TPRD performance tests with requirements discussed below.

GTR No. 13 does not consider the possibility of the TPRD activating during the pressure cycling test, temperature cycling test, salt corrosion test, vehicle environment test, stress corrosion cracking test, drop and vibration test, or leak test. The temperatures applied during these tests are not characteristic of fire and therefore should not cause the TPRD to activate. TPRD activation in the absence of temperatures characteristic of a fire indicates that the TPRD is not functioning as intended and presents a safety risk due to the hazards associated with TPRD discharge. As a result, NHTSA is proposing that if the TPRD activates at any point during the pressure cycling test, temperature cycling test, salt corrosion test, vehicle environment test, stress corrosion cracking test, drop and vibration test, or leak test, that TPRD will be considered to have failed the test. NHTSA seeks comment on this proposed requirement.

(1) Pressure Cycling Test

Similar to the CHSS test for expected on-road performance, the pressure cycling test would evaluate a TPRD's ability to withstand repeated pressurization and depressurization. One TPRD unit undergoes 15,000 internal pressure cycles with hydrogen gas. While the proposed 15,000 pressure cycles for the TPRD is consistent with GTR No. 13, NHTSA notes that this number of cycles is higher than the maximum 11,000 pressure cycles applied to containers. NHTSA seeks comment on the need for 15,000 pressure cycles for TPRDs. The testing is performed under the conditions shown in Table-9 with a maximum cycling rate of 10 cycles per minute.

TABLE 9—TEST CONDITIONS

Pressure	Number of cycles	Temperature (°C)
2 MPa to 150% NWP	First 10	85
2 MPa to 125% NWP	Next 2,240	85
2 MPa to 125% NWP	Next 10,000	20
2 MPa to 80% NWP	Final 2,750	−40

The pressure cycling test is designed to replicate fueling events during service. This is important because over time, repeated fueling events can produce fatigue failures. NHTSA seeks comment on the number of TPRD pressure cycles. The first 10 cycles use 150 percent NWP to replicate over-pressurization events at fueling stations. The remaining cycles are conducted to 125 percent NWP for the reasons discussed above for the baseline pressure cycle test.

The test temperature of 85 °C for the first 2,250 cycles and the test temperature of −40 °C for the final 2,750 cycles are selected to replicate the extreme hot and cold environments described above for the test for performance durability. After the completion of pressure cycling, the TPRD units are subjected to the Leak Test, Benchtop Activation Test, and Flow Rate Test. These three tests, discussed below, verify the essential functions of the TPRD.

(2) Accelerated Life Test

A TPRD needs to activate at its intended activation temperature, but also must not activate prematurely due to a long-duration exposure to elevated temperature that is below its activation temperature. Holding the TPRD at an elevated temperature T_L could lead to creep failure of the materials within the TPRD and result in a false activation. The purpose of the accelerated life test is to evaluate the TPRD's ability to activate at intended activation

temperature, while demonstrating resistance to creep failure at elevated temperatures that are below its activation temperature.

During the test, the TPRD units are pressurized with hydrogen at 125 percent NWP and placed in a temperature-controlled environment. One unit is tested at the manufacturer's specified activation temperature, T_f, and one unit is tested at the accelerated life temperature, T_L, given by the expression:[89]

$$T_L = \left(\frac{0.502}{\beta + T_f} + \frac{0.498}{\beta + T_{85}}\right)^{-1} - \beta$$

where β = 273.15 if T is in Celsius and β = 459.67 if T is in Fahrenheit, T_{85} = 85 °C (185 °F), and T_f is the manufacturer's specified activation temperature. The unit tested at T_f must activate in less than 10 hours and the unit tested at T_L must not activate in less than 500 hours. The required 500 hours without activation demonstrates the unit's resistance to creep.

(3) Temperature Cycling Test

Similar to the container and CHSS, the TPRD must be able to withstand extreme temperatures while in service. A study found that pressure release devices at extreme cold temperature as low as −40 °C could cause a TPRD gas release failure.[90] The temperature cycling test evaluates a TPRD's ability to withstand extreme temperature conditions that may lead to gas release failures when combined with pressure cycling. The TPRD is first exposed to 15 thermal cycles by alternating between hot (85 °C) and cold (−40 °C) temperature baths. This is to simulate rapid swings in environmental temperature, which can stress the TPRD through thermal expansion and contraction. The TPRD is then pressure cycled in the cold bath for 100 cycles at 80 percent NWP to simulate fueling and defueling in an extreme cold environment. After these stresses have been applied, the TPRD is subjected to the low-temperature condition Leak Test, Benchtop Activation Test, and Flow Rate Test. These three tests, discussed below, verify the essential functions of the TPRD. Only the low-temperature condition leak test is conducted after the temperature cycling test because leaks are most likely to occur at low temperatures.

(4) Salt Corrosion Resistance Test

The purpose of the salt corrosion resistance test is to verify that the TPRD can withstand an extreme external salt corrosion environment. The test occurs in a chamber designed to coat the TPRD with atomized droplets of salt solution. This creates a highly corrosive environment. The chamber cycles through wet and dry stages to maximise corrosion affects. The parameters for this test, such as the chamber design, the salts and water used, the salt concentrations, temperatures, humidity levels and cycle times are all based on HGV 3.1–2022 and HPRD 1–2021.[91 92 93] After the salt corrosion exposure, the TPRD units are subjected to the Leak Test, Benchtop Activation Test, and Flow Rate Test. These tests, discussed below, verify the essential functions of the TPRD. NHTSA seeks comment on the clarity and objectivity of the salt corrosion resistance test procedure. If commenters have suggestions on how to change the salt corrosion resistance test procedure, NHTSA asks that they please explain how their suggested changes improve the clarity and objectivity, and how they continue to meet the need for safety represented by this test.

(5) Vehicle Environment Test

The purpose of the vehicle environment test is to demonstrate that the TPRD can withstand exposure to chemicals that might be encountered during on-road service. Prior to testing, the inlet and outlet ports are capped because the test is not intended to expose the interior of the TPRD. The TPRD is then exposed to the following fluids for 24 hours each at 20 °C:

- Sulfuric acid at 19 percent in water to simulate battery acid.
- Ethanol at 10 percent in gasoline to simulate fueling station fluids.
- Methanol at 50 percent in water to simulate windshield-washer fluid.

The TPRD is exposed to all of fluids separately in a sequence. The fluids are replenished as needed for complete exposure throughout the duration of the test. After exposure to each chemical fluid, the unit is wiped off and rinsed with water to end any reactions that may be occurring.

GTR No. 13 does not specify the method of exposure to these chemical solutions. The method described in HPRD 1–2021 is to immerse the test unit in each fluid.[94] The duration of 24 hours is based on industry practices. NHTSA seeks comment on the exposure method.

After the conclusion of the exposures, the TPRD unit is subjected to the Leak Test, Benchtop Activation Test, and Flow Rate Test. These tests, discussed below, verify the essential functions of the TPRD. In addition to these subsequent tests, the TPRD must not show signs of cracking, softening, or swelling. GTR No. 13 further specifies that "cosmetic changes such as pitting or staining are not considered failures." NHTSA seeks comment on including this specification, and notes that pitting can be an aggressive form of corrosion which can ultimately lead to component failure due to cracking at the pitting site.

(6) Stress Corrosion Cracking Test

The purpose of the stress corrosion cracking test is to ensure that the TPRD can resist stress corrosion cracking. Stress corrosion cracking is the growth of crack formation in a corrosive environment. It can lead to unexpected and sudden failure of normally ductile metal alloys subjected to a tensile stress, especially at elevated temperature. In particular, TPRDs containing copper-based alloys can be susceptible to stress corrosion cracking in the presence of aqueous ammonia. This is a significant risk because ammonia can be found in the natural and vehicle environment.

The TPRD test unit is degreased to remove any protective grease that may be present. The unit is then exposed for ten days to a moist ammonia-air mixture maintained in a glass chamber. Under GTR No. 13, the moist ammonia-air mixture is achieved using an ammonia-water mixture with specific gravity of 0.94. Specific gravity is affected by temperature and, therefore, is an inconvenient metric for concentration specification because concentrations will need to be adjusted for different temperatures. NHTSA seeks comment on a more direct metric for ammonia

[89] Details are provided in the technical document "New equation for calculating accelerated life test temperature.pdf" submitted to the docket of this NPRM.

[90] Livio Gambone et al., Performance testing of pressure relief devices for NGV cylinders, June 1997.

[91] CSA/ANSI HGV 3.1–2022 Fuel System Components For Compressed Hydrogen Gas Powered Vehicles.

[92] CSA/ANSI HPRD 1–2021 Thermally activated pressure relief devices for compressed hydrogen vehicle fuel containers.

[93] HGV 3.1, HPRD 1, GTR No. 13, and the proposed FMVSS No. 308 reference the standards ASTM D1193–06(2018), Standard Specification for Reagent Water and ISO 6270–2:2017 Determination of resistance to humidity. ASTM D1193–06(2018) provides specification for the water to be used during salt corrosion resistance testing. *https://www.astm.org/d1193-06r18.html.*

ISO 6270–2:2017 provides specifications for the cyclic corrosion chamber to be used. *https://www.iso.org/standard/64858.html.*

These two standards would be incorporated by reference into the proposed FMVSS No. 308. A summary of these two standards is provided in Section V. Regulatory Analyses and Notices of this notice.

[94] CSA/ANSI HPRD 1–2021, Thermally activated pressure relief devices for compressed hydrogen vehicle fuel containers.

concentration specification, such as 20 weight percent ammonium hydroxide in water.

The chamber is maintained at atmospheric pressure and 35 °C. This simulates a slightly elevated temperature. In GTR No. 13, the only requirement to pass the stress corrosion cracking test is that the components must not exhibit cracking or delaminating due to this test. NHTSA seeks comment on this performance requirement and whether there are alternative requirements for this test beyond basic visual inspection, such as subjecting the TPRD to the leak test.

(7) Drop and Vibration Test

The purpose of the drop and vibration test is to evaluate the TPRD's ability to withstand drop and vibration. Dropping a TPRD could occur during installation, and vibration is likely to occur during on-road service. A TPRD may be dropped in any one of six different orientations covering the opposing directions of three orthogonal axes: vertical, lateral and longitudinal. After the drop, the TPRD unit is examined for damage that would prevent its installation in a test fixture for vibration according to the manufacturer's instructions. If damage is present that would prevent installation, the TPRD is discarded, and it is not considered a test failure. Damage that would prevent its installation is acceptable because the TPRD could never enter service with this type of damage.

A TPRD that is not discarded after the drop test proceeds to the vibration test. In addition, one new undamaged TPRD that was not dropped is also subjected to the vibration test. The units are vibrated for 30 minutes along each of the three orthogonal axes (vertical, lateral, and longitudinal). The units are vibrated at a resonant frequency which is determined by using an acceleration of 1.5 g and sweeping through a sinusoidal frequency range of 10 to 500 Hz with a sweep time of 10 minutes. According to GTR No. 13, the resonance frequency is identified by a ''pronounced'' increase in vibration amplitude. However, if the resonance frequency is not found, the test is conducted at 40 Hz. Specifying a pronounced increase in vibration amplitude could be partially subjective. NHTSA seeks comment on a more objective criteria for establishing resonance, such as a frequency where the amplitude of the response of the test article is at least twice the input energy as measured by response accelerometers. Furthermore, the acceleration level was not defined in GTR No. 13 for the resonant dwells. NHTSA seeks comment on an appropriate acceleration level for the resonant dwells.

After vibration, the TPRD units are subjected to the Leak Test, Benchtop Activation Test, and Flow Rate Test. These tests, discussed below, verify the essential functions of the TPRD.

(8) Leak Test

The leak test evaluates the TPRD's basic ability to contain hydrogen at ambient and extreme temperature conditions. In particular, the leak test is used after other tests to verify the TPRD's integrity after undergoing the stresses from previous tests. Each TPRD under test is conditioned for one hour by immersion in a temperature-controlled liquid at ambient temperature, high temperature, and low temperature. These test temperatures and corresponding test pressures are as follows:

- *Ambient temperature:* 5 °C to 35 °C, test at 2 MPa and 125 percent NWP
- *High temperature:* 85 °C, test at 2 MPa and 125 percent NWP
- *Low temperature:* −40 °C, test at 2 MPa and 100 percent NWP

The above temperatures are selected for the same reasons discussed above for the test for performance durability. At the ambient and high temperature tests, the TPRD is evaluated for leaks at 2 MPa and 125 percent NWP. The test pressure of 125 percent NWP represents the peak pressure that typically occurs during fueling. For the low temperature test, however, the maximum pressure is reduced to 100 percent NWP because maximum fueling pressure is lower in extremely cold environments. NHTSA seeks comment on the need to perform the leak test at 2 MPa in addition to the higher pressures.

After the required pre-conditioning period, the evaluation for leak involves observing the pressurized valve for hydrogen bubbles while immersed in the temperature-controlled fluid. If hydrogen bubbles are observed, the leak rate is measured by any method available to the test lab. The total leak rate must be less than 10 NmL/h, which represents an extremely low leak rate. NHTSA seeks comment on the leak rate requirement of 10 NmL/hour. This leak rate of 10 NmL/hour is much lower than the minimum hydrogen flow rate of 3.6 NmL/min necessary for initiating a flame.[95] NHTSA seeks comment on objective methods for measuring the leak rate.

[95] SAE Technical report 2008–01–0726. Flame Quenching Limits of Hydrogen Leaks. The paper finds that the lowest possible flammable flow is about 0.005 mg/s (3.6 NmL/min).

(9) Benchtop Activation Test

The purpose of the benchtop activation test is to demonstrate that the TPRD will activate as intended when exposed to high temperature. As with the leak test, the benchtop activation test is applied after other tests to ensure the TPRD retains its basic functions after other stresses have been applied.

The test setup consists of either an oven or a chimney which is capable of controlling air temperature and flow to achieve 600 °C in the air surrounding the test sample. This provides a sufficiently high air temperature to activate TPRDs. TPRD units are pressurized to 25 percent NWP or 2 MPa, whichever is less. This provides sufficient pressure for activation.

Three new TRPD units are tested to establish a baseline activation time, which is the average of the activation time of the three new TPRDs. TPRD units used in the pressure cycling test, accelerated life test, temperature cycling test, salt corrosion resistance test, vehicle environment test, and drop and vibration test are also tested in the benchtop activation test and these TPRDs must activate within 2 minutes of the average activation time established from the tests with the new units.

GTR No. 13 does not provide any information on how to proceed in the event that a TPRD does not activate at all during the benchtop activation test. A TPRD that does not activate when inserted into the oven or chimney is not functioning as intended and therefore presents a safety risk. As a result, NHTSA is proposing that if a TPRD does not activate within 120 minutes from the time of insertion into the oven or chimney, the TPRD is considered to have failed the test. The time limit of 120 minutes is selected based on the maximum possible duration of the CHSS fire test. NHTSA seeks comment on this requirement.

(10) Flow Rate Test

After benchtop activation, the flow rate test evaluates the TPRD for flow capacity to ensure that the flow rate of a TPRD exposed to the various environmental conditions during prior testing is similar to that of a new TPRD. This test can be performed with hydrogen, air, or any other inert gas because the test simply evaluates flow rate through the TPRD. Flow rate through the TPRD is measured with the inlet pressurized to 2 MPa and the outlet unpressurized. This pressure difference generates flow through the

TPRD. The lowest measured flow rate must be no less than 90 percent of a baseline flow rate established as the measured flow rate of a new TPRD. This ensures low variation in flow rates and that all TPRDs tested are free from blockages.

The number of significant figures used in the measurement of flow rate can impact the test result. For example, a test flow rate of 1.7 flow units compared against a baseline flow rate of 2.0 flow units does not meet the requirement. However, in this case, if flow rate were measured using only one significant figure, the two flow rates would be identical (2 flow units). As a result, NHTSA proposes requiring that the flow rate be measured in units of kilograms per minute with a precision of at least 2 significant digits. NHTSA seeks comment on this proposed requirement.

(11) Atmospheric Exposure Test

GTR No. 13 includes an atmospheric exposure test to ensure that non-metallic components which are exposed to the atmosphere and provide a fuel-containing seal have sufficient resistance to oxygen. This is because oxygen can degrade non-metallic components. The oxygen exposure of 96 hours at 70 °C at 2 MPa, is based on industry standards.[96, 97] The requirement to pass this test is that the component not crack nor show visible evidence of deterioration.

However, NHTSA is concerned that this test is not objectively enforceable because the requirement involves a subjective determination of evidence of deterioration. Furthermore, the test would require NHTSA to determine which components are non-metallic, exposed to the atmosphere, and provide a fuel-containing seal. As a result, this test has not been included in FMVSS No. 308. NHTSA seeks comment on not including the atmospheric exposure test.

b. Check Valves and Shut-Off Valves

Failure of a check valve or shut-off valve to properly contain pressure within the CHSS can lead to a severe hydrogen leak. Accordingly, check valves and shut-off valves must demonstrate their operability and durability in service by completing the applicable tests for performance durability of closure devices. This is a series of performance tests applicable to check valves and shut-off valves with requirements described below.

(1) Hydrostatic Strength Test

Since the check valve and the shut-off valve ensure containment of high pressure hydrogen, the hydrostatic strength test is conducted to ensure the valves are able to withstand extreme pressure of up to 250 percent NWP. Additionally, the test also ensures that the burst pressure of the valves exposed to various environmental conditions during prior testing is not degraded beyond 80 percent of a new unexposed valve's burst pressure.

One new unit is tested to establish a baseline failure pressure, which must be at least 250 percent NWP, and other units are tested as specified in other sections, after being subjected to other tests. All outlet openings are plugged, and valve seats or internal blocks are placed in the open position. This allows the test pressure to be distributed throughout the valve. The strength test is performed at 20 °C with a hydrostatic pressure of 250 percent NWP applied at the inlet. This high pressure simulates an extreme over-pressurization and is held for three minutes.

From 250 percent NWP, the hydrostatic pressure is increased at a rate of less than or equal to 1.4 MPa/second to avoid failure due to rapid pressurization. The pressure continues to increase until the component fails. The failure pressure of previously tested units should be no less than 80 percent of the failure pressure of the baseline unit unless the hydrostatic pressure exceeds 400 percent NWP.

In the event of a leak, it may become impossible for the test laboratory to increase pressure on the valve. This occurs when any increase in applied pressure is offset by leakage flow, thereby negating the pressure increase. If this occurs, it is not possible to complete testing. To address this issue, NHTSA is proposing that valves shall not leak during the hydrostatic strength test, and that a leak would constitute a test failure. NHTSA seeks comment on the requirement that valves not leak during the hydrostatic strength test.

(2) Leak Test

The leak test evaluates the valve's basic ability to contain hydrogen at ambient and extreme temperature conditions. In particular, the leak test is used after other tests to verify the valve's integrity after undergoing the stresses from previous tests. Each valve under test is conditioned for one hour by immersion in a temperature-controlled liquid at ambient temperature, high temperature, and low temperature. These test temperatures and corresponding test pressures are as follows:

- *Ambient temperature:* 5 °C to 35 °C, test at 2 MPa and 125 percent NWP
- *High temperature:* 85 °C, test at 2 MPa and 125 percent NWP
- *Low temperature:* −40 °C, test at 2 MPa and 100 percent NWP

These temperatures and pressures are selected for the same reasons described above for the TPRD leak test. After the required pre-conditioning period, the evaluation for leak involves observing the pressurized valve for hydrogen bubbles while immersed in the temperature-controlled fluid. If hydrogen bubbles are observed, the leak rate is measured by any method available to the test lab. Similar to the TPRD leak test, the total leak rate must be less than 10 NmL/h. For the same reasons discussed above for the TPRD leak test, NHTSA seeks comment on the leak rate requirement of 10 NmL/h and seeks comment on objective methods for measuring the leak rate.

(3) Extreme Temperature Pressure Cycling Test

Similar to the extreme temperatures applied to containers and CHSS, the shut-off valve and the check valve must be able to withstand extreme temperatures while in service. The extreme temperature pressure cycling test simulates extreme temperature conditions that may lead to gas release failures when combined with pressure cycling.

Check valves and shut-off valves may also be subject to "chatter" which is an excess of vibration that causes the valves to open and close quickly and repeatedly. This causes a clicking and rattling noise that is referred to as chatter. Valves can develop chatter when they are not able to handle the pressure applied or are improperly sized. Chatter of a valve can cause excessive wear of the valve mechanism that can cause failure of the valve over time. Therefore, this test evaluates the check valve and shut-off valve for chatter after the extreme temperature pressure cycling.

The total number of operational cycles is 15,000 for the check valve, consistent with the 15,000 cycles used for the TPRD above. The total number of operational cycles is 50,000 for the shut-off valve. The higher 50,000 cycles for the shut-off valve reflects the multiple pressure pulses the shut-off valve experiences as it opens and closes repeatedly during service. In contrast, the check valve only experiences a

[96] ASTM D572–04(2019) Standard Test Method for Rubber—Deterioration by Heat and Oxygen. *https://www.astm.org/d0572-04r19.html.*

[97] ISO 188:2011 Rubber, vulcanized or thermoplastic—Accelerated ageing and heat resistance tests. *https://www.iso.org/standard/57738.html.*

pressure pulse during fueling. NHTSA seeks comment on the number of pressure cycles for check valves and shut-off valves.

Pressure cycling is conducted at different environmental temperatures and pressures:

- *Ambient:* Between 5.0 °C and 35.0 °C, 100 percent NWP
- *High:* 85 °C, 125 percent NWP
- *Low:* −40 °C, 80 percent NWP

For a check valve, the pressure is applied in six incremental pulses to the valve inlet with the outlet closed. The pressure is then vented from the inlet, with outlet side pressure reduced to below 60 percent NWP prior to the next cycle. This simulates the fueling process. The valve is held at the corresponding temperature for the duration of the cycling at each condition.

For a shut-off valve, the pressure is applied through the inlet port. The shut-off valve is then energized to open the valve and the pressure is reduced to any pressure less than 50 percent of the specified pressure range. The shut-off valve is then de-energized to close the valve prior to the next cycle. This simulates operation of the shut-off valve during service. The valve is held at the corresponding temperature for the duration of the cycling at each condition.

After cycling, each valve is subjected to 24 hours of ''chatter flow'' to simulate the chatter condition described above. Chatter flow means the application of a flow rate of gas through the valve that results in chatter as described above. NHTSA is concerned, however, that the application of chatter flow could be partially subjective. NHTSA seeks comment on the following aspects of the chatter flow test:

- Appropriate methodology or a procedure for inducing chatter flow.
- Appropriate instrumentation and criteria to measure and quantify chatter flow such as a decibel meter and minimum sound pressure level.
- How to proceed in cases where no chatter occurs.
- The specific safety risks that are addressed by the chatter flow test.
- The possibility of not including the chatter flow test.

In the case of shut-off valves, GTR No. 13 specifies the chatter flow test is required only in the case of a shut-off valve which functions as a check valve during fueling and that the flow rate used to induce chatter should be within the normal operating conditions of the valve. However, NHTSA has no way of determining whether a shut-off valve is functioning as a check valve during fueling or the normal operating conditions of the valve. As a result, NHTSA is proposing that the chatter flow test will apply to all shut-off valves and will not specify flow rate limitations for the chatter flow test. NHTSA seeks comment on this decision.

After the completion of the chatter flow test, the valve must comply with the leak test and the hydrostatic strength test to verify it retains its basic ability to contain hydrogen and resist burst due to over-pressurization.

(4) Salt Corrosion Resistance Test

The salt corrosion resistance test is conducted in the same manner and for the same reasons discussed above for TPRDs. At the completion of the salt corrosion resistance test, the tested valve must comply with the ambient temperature leak test and the hydrostatic strength test to verify it retains its basic ability to contain hydrogen and resist burst due to over-pressurization.

(5) Vehicle Environment Test

The vehicle environment test is conducted in the same manner and for the same reasons discussed above for TPRDs. At the completion of the vehicle environment test, the tested valve shall comply with the leak test and the hydrostatic strength test to verify it retains its basic ability to contain hydrogen and resist burst due to over-pressurization. In addition to these subsequent tests, the valve shall not show signs of cracking, softening, or swelling.

(6) Atmospheric Exposure Test

GTR No. 13 includes an atmospheric exposure test for check valves and shut-off valves identical to the atmospheric exposure test for TPRDs. However, this test has not been included for check valves and shut-off valves for the same reasons it was not included for TPRDs. NHTSA seeks comment on not including the atmospheric exposure test for check valves and shut-off valves.

(7) Electrical Tests

The electrical tests apply to the shut-off valve only. The electrical tests evaluate the shut-off valve for:

- Leakage, unintentional valve opening, fire, and/or melting after exposure to an abnormal voltage.
- Failure of the electrical insulation between the power conductor and casing when the valve is exposed to a high voltage.

The exposure to abnormal voltage is conducted by applying twice the valve's rated voltage or 60 V, whichever is less to the valve for at least one minute. After the test, the valve is subject to the leak test and leak requirements. The test for electrical insulation is conducted by applying 1000 V between the power conductor and the component casing for at least two seconds, consistent with the industry standards NGV 3.1–2012 and HGV 3.1–2022.[98] [99] The isolation resistance between the valve and the casing must be 240 kΩ or more. This represents a high level of resistance to prevent the valve casing from being energized in the event the power conductor short circuits within the valve.[100]

Some valves may have requirements specified by their manufacturers for peak and hold pulse width modulation duty cycle. NHTSA seeks comment on whether and how to adjust the proposed test procedure to account for a manufacturer's specified peak and hold pulse width modulation duty cycle requirements.

(8) Vibration Test

The vibration test evaluates a valve's resistance to vibration. The valve is pressurized to 100 percent NWP and exposed to vibration for 30 minutes along each of the three orthogonal axes (vertical, lateral, and longitudinal). After the test, the valve is inspected for visual exterior damage and required to comply with the ambient temperature leak test. Vibration is conducted along the three orthogonal axes to cover different possible mounting positions within a vehicle.[101]

The vibration frequencies used for the test are determined by frequency sweeps along each axis in the range of 10 Hz to 500 Hz. The most severe resonant frequency in each axis is selected for the test. Resonant frequencies are determined as those frequencies of the vibration table that result in considerably different acceleration measurements from an accelerometer mounted to the acceleration table and that mounted on the component under test. If a most severe resonant frequency is determined, the component undergoes vibration at that frequency for 30-minutes. If no resonant frequency is found, then 40 Hz is selected for that axis. The vibration acceleration is 1.5 g, which represents vibration acceleration within a typical vehicle.

This test is conducted with the valve pressurized to 100 percent NWP to

[98] NGV 3.1–2012. Fuel system components for compressed natural gas powered vehicles. *https://webstore.ansi.org/standards/csa/ansingv2012csa12.*

[99] HGV 3.1–2022. Fuel system components for compressed hydrogen gas powered vehicles.

[100] *Id.*

[101] *Id.*

simulate vibrations occurring while the valve is in service. After vibration, the valve shall comply with the leak test and the hydrostatic strength test to verify it retains its basic ability to contain hydrogen and resist burst due to over-pressurization.

GTR No. 13 also contains a requirement that ''each sample shall not show visible exterior damage that indicates that the performance of the part is compromised.'' Showing signs of damage is a subjective measure and lacks the objectivity needed per the Motor Vehicle Safety Act. Therefore, this language has been removed.

(9) Stress Corrosion Cracking Test

The stress corrosion cracking test is conducted in the same manner and for the same reasons discussed above for TPRDs.

9. Labeling Requirements

Labels on a container are important for informing the consumer that the container is intended for hydrogen fuel, information on the nominal working pressure of the container, and information on when the container should be removed from service. The information on the container labels would also facilitate the agency's enforcement efforts by providing a ready means of identifying the container and its manufacturer, and by providing the information needed for conducting compliance tests. NHTSA tentatively concludes that the container label(s) include the following information:

- Manufacturer, serial number, date of manufacture
- The statement ''Compressed Hydrogen Only.''
- The container's NWP in MPa and pounds per square inch (psi).
- Date when the system should be removed from service
- BP_O in MPa and psi.

B. FMVSS No. 307, ''Fuel System Integrity of Hydrogen Vehicles''

FMVSS No. 307 would set requirements for the vehicle fuel system to mitigate hazards associated with hydrogen leakage and discharge from the fuel system, as well as requirements to ensure hydrogen leakage, hydrogen concentration in enclosed spaces of the vehicle, and hydrogen container displacement are within safe limits post-crash. A hydrogen fuel system includes the fueling receptacle, CHSS, fuel cell system or internal combustion engine, exhaust systems, and the fuel lines that connect these systems. Table-10 lists the requirements for the hydrogen fuel system to be incorporated in FMVSS No. 307, which includes separate sections for normal vehicle operations and post-crash requirements. The fuel system integrity requirements for normal vehicle operations would apply to all hydrogen-fueled vehicles, while the post-crash fuel system integrity requirements only apply to light vehicles. NHTSA seeks comment on the application of FMVSS No. 307 to all vehicles, including heavy vehicles (vehicles with a GVWR greater than 4,536 kg (10,000 pounds).[102]

TABLE 10—PERFORMANCE TEST REQUIREMENTS FOR HYDROGEN VEHICLE FUEL SYSTEM INTEGRITY

Performance test requirements for hydrogen vehicle fuel system
Fuel system integrity requirements for light and heavy vehicles during normal vehicle operations.
Fueling receptacle requirements.
Over-pressure protection for the low-pressure system.
Hydrogen discharge systems.
Protection against flammable conditions.
Fuel system leakage requirements.
Tell-tale warning to driver.
Post-crash fuel system integrity requirements for light vehicles.
Fuel leakage limit.
Concentration limit in enclosed spaces.
Container displacement.

1. Fuel System Integrity During Normal Vehicle Operations

The first half of the proposed FMVSS No. 307 would adopt GTR No. 13's protections during the normal operation of the vehicle. The proposed requirements in this section apply to all hydrogen fuel vehicles regardless of GVWR.

a. Fueling Receptacles

This proposal includes five performance requirements for the hydrogen fueling receptacle. These requirements ensure safe use and proper function of the receptacle. If hydrogen is not properly contained by the fueling receptacle, hydrogen may escape into the surrounding environment where it may accumulate and become ignited, leading to an explosion or fire.

The first requirement for the fueling receptacle is to prevent reverse flow to the atmosphere. This requirement is intended to prevent hydrogen leakage out of the fueling receptacle.

The second requirement is for a label with the statement, ''Compressed Hydrogen Only'' as well as the statement ''Service pressure ____ MPa (____ psig).'' Including this information on a label near the fueling receptacle is intended to prevent incorrect fueling. Incorrect fueling with a fuel other than hydrogen or with a hydrogen pressure greater than the vehicle NWP could damage the fuel system. The label must also contain the statement, ''See instructions on fuel container(s) for inspection and service life.''

The third requirement is for positive locking that prevents the disconnection of the fueling hose during fueling. This requirement is intended to prevent the fueling nozzle from being prematurely removed during fueling, which could result in hydrogen leakage.

The fourth requirement is for protection against ingress of dirt and water to protect the fueling receptacle from contamination that could lead to degradation of the fuel system over time. A degraded fuel system is a safety risk because it could lead to a failure to contain hydrogen.

The fifth requirement is to prevent the receptacle from being mounted in a location that would be highly

[102] The proposed FMVSS No. 307 would apply, in general, to all hydrogen vehicles regardless of GVWR. However, not all vehicles would be subject to crash testing under FMVSS No. 307. As described below, passenger cars, multipurpose passenger vehicles, trucks and buses with a GVWR of less than or equal to 4,536 kg would be subject to barrier crash testing. School buses with a GVWR greater than 4,536 kg would also be subject a barrier crash test. Heavy vehicles other than school buses with a GVWR greater than 4,536 kg would not be subject to crash testing under the proposed standard.

susceptible to crash deformations in order to prevent degradation in the event of a crash. The receptacle is also prevented from being mounted in the enclosed or semi-enclosed spaces of the vehicle because these areas can accumulate hydrogen.[103]

The assessment for all five receptacle requirements is by visual inspection. NHTSA seeks comment on these proposed requirements for the fueling receptacle and on the objectivity of assessment by visual inspection.

b. Over-Pressure Protection for Low-Pressure Systems

Hydrogen is stored on hydrogen vehicles at high pressures. However, fuel cells and hydrogen combustion engines require lower pressures to operate, and higher pressures have the potential to damage their internal mechanisms. As a result, downstream fuel lines are designed for much lower pressures than the CHSS. Pressure regulators are used between the CHSS and the downstream lines to lower the pressure delivered downstream.

NHTSA is proposing to adopt GTR No. 13's requirement of over-pressure protection for low-pressure systems. Accordingly, the agency proposes requiring countermeasures to prevent failure of downstream components in the event a pressure regulator fails to properly reduce the fuel pressure from the much higher pressure in the CHSS. The activation pressure of the overpressure protection device would be lower than or equal to the maximum allowable working pressure for the appropriate section of the hydrogen system as determined by the manufacturer. NHTSA seeks comment on the requirement for an overpressure protection device in the fuel system and how to test the performance of such a device.

c. Hydrogen Discharge Systems

TPRDs are designed to discharge the hydrogen stored in the CHSS to mitigate the risk of a rupture when the temperature surrounding the CHSS reaches a dangerous temperature. However, venting a flammable fuel source during an emergency can create its own potential hazard if handled improperly. For those reasons, we believe there is a safety need to propose standards for the hydrogen discharge system.

The first proposed requirement is that the TPRD vent line be protected from ingress of dirt or water to prevent contamination that could degrade or compromise the TPRD or the TPRD discharge stream. This requirement protects the TPRD from degradation due to the ingress of dirt and water. A degraded TPRD that fails to activate during a fire could lead to a container burst. Alternatively, if the vent line itself became clogged by dirt and water, it could fail to properly vent the hydrogen in the event of a TPRD activation.

Next, we are proposing several requirements from GTR No. 13 related to the TPRD vent discharge direction. The primary purpose of these requirements is to prevent additional safety hazards due to hydrogen discharge from the TPRD that could compromise other vehicle components and/or inhibit the ability of passengers to safely exit the vehicle. Accordingly, we propose that the TPRD discharge must not be directed towards nor impinge upon:

1. Any enclosed or semi-enclosed spaces where hydrogen could unintentionally accumulate, such as the trunk, passenger compartment, or engine compartment.
2. The vehicle wheel housing.
3. Hydrogen gas containers—if the hydrogen being released from the TPRD becomes ignited, this would pose a burst risk.
4. Rechargeable electrical energy storage system (REESS) because if the TPRD discharge became ignited, this could engulf the REESS and start a battery fire.
5. Any emergency exit(s) or service door(s), because this would create a hazard to persons exiting the vehicle.

In addition to these requirements from GTR No. 13, we believe an additional requirement is necessary to protect potential occupants attempting to exit the vehicle or first responders approaching the vehicle. We are proposing that hydrogen vented through the TPRD(s) be directed upwards within 20° of vertical relative to the level surface or downwards within 45° of vertical relative to the level surface. This requirement would prevent the TPRD discharge from being directed horizontally, which would create a hazard to persons exiting the vehicle and/or to first responders approaching the vehicle. NHTSA seeks comment on this additional requirement for TPRD discharge direction, and on the proposed discharge angles.

NHTSA is proposing that the discharge direction from TPRDs and other pressure relief devices is evaluated through visual inspection. We seek comment on whether there is a more appropriate test.

d. Vehicle Exhaust System

NHTSA is proposing to adopt GTR No. 13's vehicle exhaust system requirements. Similar to the previous requirements, elevated concentrations of hydrogen in the exhaust increases the risk of a fire. The GTR requires that the hydrogen concentration never exceed eight percent, and not exceed four percent for any three second moving average value of the hydrogen concentration.

At an ambient temperature of 20 °C, 4 percent by volume of hydrogen in air can ignite and propagate in the direction opposite gravity. However, the propagation is extremely weak and not sustained. At approximately eight percent hydrogen, ignition of hydrogen/air mixture can propagate in any direction regardless of ignition source location. Furthermore, tests demonstrated that as the hydrogen concentration approaches eight percent, exhaust becomes intermittently flammable, igniting in the presence of an ignition source, but extinguishing when the ignition source is removed.[104] As a result, fire occurring at eight percent hydrogen concentration is small and fairly easy to extinguish. Therefore, limiting the hydrogen content of any instantaneous peak to eight percent limits the hazard to near the exhaust discharge point even if an ignition source is present.

NHTSA is proposing adopting the test requirement outlined in GTR No. 13. The test procedure would be conducted after the vehicle has been set to the ''on'' or ''run'' position for at least five minutes prior to testing. A hydrogen measuring device is placed in the center line of the exhaust within 100 mm from the external discharge point. The fuel system would undergo a shutdown, start-up, and idle operation to stimulate normal operating conditions. The measurement device used should have a response time of less than 0.3 seconds to ensure an accurate three second moving average calculation. Response times higher than 0.3 seconds could result in inaccurate data collection because the sensor may not have time to register the true concentration levels before recording each data point.

The time period of three seconds for the rolling average ensures that the

[103] Enclosed or semi-enclosed spaces means the volumes within the vehicle, external to the hydrogen fuel system (fueling receptacle, CHSS, fuel cell system or internal combustion engine, fuel lines, and exhaust systems) such as the passenger compartment, luggage compartment, and space under the hood.

[104] SAE Technical Report 2007–01–437. Development of Safety Criteria for Potentially Flammable Discharges from Hydrogen Fuel Cell Vehicles, Local Discharge Flammability—Flowing Exhaust. *https://www.sae.org/publications/technical-papers/content/2007-01-0437/.*

space around the vehicle remains non-hazardous in the case of an idling vehicle in a closed garage. This is conservatively determined by assuming that a standard size vehicle purges the equivalent of a 250 kW (340 HP) fuel cell system. The power system output of a Toyota Mirai is 182 HP. The time is then calculated for a nominal space occupied by a standard passenger vehicle (4.6 meters × 2.6 meters × 2.6 meters) to build up to 25 percent of the LFL, or one percent by volume in air. The time limit for this rolling-average situation is determined to be three seconds.[105]

e. Fuel System Leakage

GTR No. 13 includes fuel system leakage requirements specifying no leakage from the fuel lines. A flammable or explosive condition can arise if hydrogen leaks from the fuel lines. However, the safety risk of a leak applies to the entire fuel system, not only to the fuel lines. As a result, NHTSA is proposing that the fuel system leakage requirement for no leakage apply to the entire hydrogen fuel system downstream of the shut-off valve, which includes the fuel lines and the fuel cell system. NHTSA is further proposing to define fuel lines to include all piping, tubing, joints, and any components such as flow controllers, valves, heat exchangers, and pressure regulators. From a safety standpoint, there is no difference between a leak coming from fuel line piping, and a leak coming from a valve, pressure regulator, or the fuel cell system itself. While NHTSA is proposing a strict no leakage standard, we are seeking comment on whether there is a safe level of hydrogen that may leak, and if so, what would be an objective leakage limit and how to accurately quantify hydrogen leakage from the fuel system.

NHTSA is proposing to test this requirement using either a gas leak detector or leak detecting liquid (bubble test).[106] NHTSA seeks comment if one of these tests is preferrable. NHTSA is also proposing that the test would be conducted with the fuel system at NWP after having been in the ''on'' or ''run'' position for at least five minutes. We believe these conditions produce an elevated likelihood of leakage. We seek comment on whether alternative conditions would better simulate realistic scenarios when downstream lines are more likely to leak.

f. Protection Against Flammable Conditions

The final component of GTR No. 13's safety measures for the fuel system during normal use is ensuring that the enclosed and semi-enclosed spaces of the vehicle do not accumulate potentially dangerous concentrations of hydrogen.

The agency proposes requiring a visual warning within 10 seconds in the event that the hydrogen concentration in an enclosed or semi-enclosed space exceeds 3.0 percent (75 percent of the LFL). This concentration limit for the warning is selected because while 3.0 percent hydrogen is below the LFL, and is therefore inflammable, accumulation of hydrogen to 3.0 percent indicates the presence of a leak and the potential for continued hydrogen accumulation beyond the LFL. Additionally, in accordance with GTR No. 13, we propose requiring the shut-off valve to close within 10 seconds if at any point the concentration in an enclosed or semi-enclosed space exceeds 4.0 percent (the LFL). Closure of the shut-off valve isolates the CHSS and ensures hydrogen cannot accumulate beyond the LFL. The details of the warning itself are discussed below in the following section.

GTR No. 13 provides two options for evaluating this requirement. The first option is to use a remote-controlled release of hydrogen to simulate a leak, along with laboratory-installed hydrogen concentration detectors in the enclosed or semi-enclosed spaces. The laboratory-installed hydrogen concentration detectors are used to verify that the required warning and shut-off valve closure occur at the appropriate hydrogen concentrations in the enclosed or semi-enclosed spaces. GTR No. 13 allows for the remote-controlled release of hydrogen to be drawn from the vehicle's own CHSS. Therefore, by using this option, it is possible for a vehicle to meet the requirements without a built-in hydrogen concentration detector. This is accomplished by the vehicle monitoring hydrogen outflow from its CHSS. The vehicle can then trigger the required warning and shut-off valve closure if significant hydrogen outflow from the CHSS is detected that is not accounted for by fuel cell hydrogen consumption.

The second option for evaluating the requirement is to use an induction hose and a cover to apply hydrogen test gas directly to the vehicle's built-in hydrogen concentration detector(s) within the enclosed or semi-enclosed spaces. Test gas with a hydrogen concentration of 3.0 to 4.0 percent is used to verify the warning, and test gas with a hydrogen concentration of 4.0 to 6.0 percent is used to verify the closure of the shut-off valve. The warning and shut-off valve closure must occur within 10 seconds of applying the respective test gas to the detector. The warning is verified by visual inspection, and the shut-off valve closure can be verified by monitoring the electric power to the shut-off valve or by the sound of the shut-off valve activation.

This second option indirectly requires the presence of at least one hydrogen concentration detector in the enclosed or semi-enclosed spaces that can detect the hydrogen test gas and trigger the warning and shut-off valve closure at appropriate hydrogen concentration levels. NHTSA is proposing this second option as the only test method in FMVSS No. 307, which would thereby require each vehicle to have at least one built-in hydrogen concentration detector. NHTSA seeks comment on requiring built-in hydrogen concentration detectors and seeks comment on the reliability of the required warning and shut-off valve closure for vehicles that do not have built-in hydrogen concentration detectors.

In addition to the above requirement regarding a warning and shut-off valve closure, GTR No. 13 includes a requirement that any failure downstream of the main hydrogen shut off valve shall not result in any level of hydrogen concentration in the passenger compartment. This requirement is evaluated by applying a remote-controlled release of hydrogen simulating a leak in the fuel system, along with laboratory-installed hydrogen concertation detectors in the passenger compartment. After remote release of hydrogen, GTR No. 13 requires that the hydrogen concentration in the passenger compartment not exceed 1.0 percent. The number, location, and flow capacity of the release points for the remote-controlled release of hydrogen are defined by the vehicle manufacturer.

A concentration of 1.0 percent hydrogen is inflammable at only 25 percent of the LFL for hydrogen. NHTSA has determined there is no need to apply such a stringent concentration limit in the passenger compartment. NHTSA is instead proposing that the

[105] SAE 2578_201408. Recommended Practice for General Fuel Cell Vehicle Safety. Appendix C3. *https://www.sae.org/standards/content/j2578_201408/.*

[106] As discussed above, a bubble leak test is not an objective method for quantifying a leakage rate during the extreme temperature static gas pressure leak/permeation test. However, NHTSA is proposing a strict no leakage requirement for the test for fuel line leakage. This requirement does not require that the leak be quantified, and therefore, a bubble test may be used to evaluate this requirement. Any observed bubble would indicate leakage and constitute a failure of the test for fuel line leakage.

remote-controlled release of hydrogen shall not result in a hydrogen concentration exceeding 3.0 percent in the enclosed or semi-enclosed spaces of the vehicle (including the passenger compartment). NHTSA believes that this is a more balanced requirement that ensures there is no accumulation of hydrogen too near the LFL in any enclosed or semi-enclosed spaces of the vehicle. NHTSA seeks comment on this requirement and on specific test procedures for initiating a remote-controlled release of hydrogen in a vehicle.

To evaluate this requirement, NHTSA proposes that a hydrogen concentration detector be installed in any enclosed or semi-enclosed space where hydrogen may accumulate from the simulated hydrogen release. After the remote-controlled release of hydrogen, the hydrogen concentration would be measured continuously using the laboratory-installed hydrogen concertation detector. The test would be completed five minutes after initiating the simulated leak or when the hydrogen concentration does not change for three minutes, whichever is longer. Five minutes is selected as the minimum time for monitoring the hydrogen concentration because five minutes is generally considered a sufficient time frame for vehicle occupants to evacuate in the event of an emergency.

The test procedures in this section are intended to work together to ensure safety. Primary protection is provided by ensuring that hydrogen cannot accumulate as a result of a leak beyond a 3.0 percent concentration in the enclosed or semi-enclosed spaces. This ensures that there is no potential for ignition to occur due to hydrogen leakage. The requirement for the visual warning and shut-off valve closure serves as a secondary measure in preventing a flammable condition from occurring in the event of a failure resulting in an accumulation of hydrogen.

The proposed test procedures in this section would be conducted without the influence of any wind. NHTSA seeks comment on providing more specific wind protection requirements and seeks comment on limiting the maximum wind velocity during testing to 2.24 meters/second as in FMVSS No. 304.[107]

[107] FMVSS No. 304, ''Compressed natural gas fuel container integrity.'' *https://www.ecfr.gov/current/title-49/subtitle-B/chapter-V/part-571/subpart-B/section-571.304.*

g. Warning for Elevated Hydrogen Concentration

While the aim of the GTR and this proposal is to set safety requirements that prevent hydrogen from leaking and causing hazardous conditions, if hydrogen manages to accumulate to the LFL of 4.0 percent, there is a risk of a fire or explosion occurring. As discussed above, NHTSA is proposing requiring a telltale[108] warning when hydrogen concentration exceeds 3.0 percent in the enclosed or semi-enclosed spaces of the vehicle. Given the serious threat posed by elevated hydrogen levels in the passenger compartment, NHTSA is proposing the visual warning be red in color and remain illuminated while the vehicle is in operation with hydrogen concentration levels exceeding 3.0 percent in enclosed or semi-enclosed spaces of the vehicle. The visual warning must be in clear view of the driver. For a vehicle with automated driving systems and without manually-operated driving controls, the visual warning must be in clear view of all the front seat occupants. NHTSA seeks comment on whether the warning should be in clear view of all occupants, including occupants in rear seating positions, in vehicles with automated driving systems. NHTSA also seeks comment on whether an auditory warning be required when hydrogen concentration exceeds 3.0 percent in the enclosed or semi-enclosed spaces of the vehicle.

NHTSA is also proposing that a telltale be activated if the hydrogen warning system malfunctions, such as in the case of a circuit disconnection, short circuit, sensor fault, or other system failure. NHTSA proposes that when the telltale activates for these circumstances that it illuminates as yellow to distinguish a malfunction of the warning system from that of excess hydrogen concentration.

2. Post-Crash Fuel System Integrity

The second half of proposed FMVSS No. 307 are post-crash requirements for the fuel system. After a vehicle crash, there is a high risk of hydrogen escaping from the CHSS and other parts of the vehicle fuel system due to structural damage. The primary safety strategy applied in GTR No. 13 is to ensure the proper containment of hydrogen in the container and the fuel system after a crash has occurred.

[108] A telltale is an optical signal that, when illuminated, indicates the actuation of a device, a correct or improper functioning or condition, or a failure to function.

In accordance with GTR No. 13, NHTSA is proposing that the post-crash requirements only apply to passenger cars, multipurpose passenger vehicles, trucks and buses with a GVWR less than or equal to 4,536 kg (10,000 pounds) and to all school buses, that use hydrogen fuel for propulsion power. NHTSA is not proposing that these post-crash requirements apply to all heavy vehicles with a GVWR greater than 4,536 kg (10,000 pounds). We are tentatively making this decision because there is not a comparable crash test for heavy vehicles to conduct the tests necessary for compliance assessment. NHTSA seeks comment on whether heavy vehicles should be subject to these proposed post-crash requirements and if so, what crash tests should NHTSA conduct on heavier vehicles.

During Phase I of GTR No. 13, the IWG decided not to attempt creating a uniform crash test and instead provided the option to Contracting Parties to determine the appropriate test based on their existing standards. NHTSA is proposing to use the crash tests equivalent to those applied to conventionally fueled vehicles in accordance with FMVSS No. 301. For light vehicles with a GVWR under 4,536 kg, these crash tests include an 80 kilometers per hour (km/h) (~50 miles per hour (mph)) impact of a rigid barrier into the rear of the vehicle, a 48 km/h (~30 mph) frontal crash test into a rigid barrier, and a 53 km/h (~33 mph) impact of a moving deformable barrier into the side of the vehicle. For school buses with a GVWR greater than or equal to 4,536 kg, the crash test is a moving contoured barrier impact at 48 km/h. NHTSA has determined that it is appropriate to apply equivalent crash tests to hydrogen vehicles as those for conventionally fueled vehicles. NHTSA seeks comment on whether there are alternative crash tests that should be used for the forthcoming proposed regulations.

NHTSA is proposing that there be no fire during the test, and that vehicles meet three additional post-crash requirements described by GTR No. 13. These three requirements echo the same safety goals of the first half of FMVSS No. 307. They are designed to prevent CHSS bursts, the creation of additional hazards caused by hydrogen leakage, and to protect occupants.

The first proposed requirement is based on FMVSS No. 301. FMVSS No. 301 S5.5 and S5.6 specifies that the total amount of allowable energy loss for gasoline fuel from impact through the 60-minute interval after motion has ceased is 72,590 kiloJoules (KJ). This total amount of allowable energy loss

when applied to hydrogen and its energy density, equates to 606 grams of hydrogen loss. From the total allowable hydrogen mass leakage of 606 g, the total allowable volumetric leakage, with a reference temperature of 15 °C, during 60-minute interval after impact can be calculated as follows:

$$\frac{606\,g}{2.0159\,gram/mole}\,x\,\frac{22.41\,liter}{mole}\,x\,\frac{288}{273} = 7107\,NL$$

where 2.0159 gram/mole is the molar weight of a hydrogen molecule and 22.41 liter/mole is the molar volume of hydrogen at standard conditions, and the factor 288/273 adjusts the calculation for a temperature of 15 °C. Therefore, the allowable volumetric flow rate of hydrogen after impact through the 60-minute interval after impact has ceased is: 7107 NL/60 minutes = 118 NL/minute.[109]

The volumetric flow of hydrogen gas leakage from the CHSS must not exceed an average of 118 normal liters per minute (NL/min) from the time of vehicle impact through a time interval Δt of at least 60-minutes after impact. This leakage limit of 118 NL/min is equivalent to a total allowable mass leakage of 606 grams of hydrogen gas in 60 minutes.

The volumetric leak rate of hydrogen post-crash is determined as a function of the pressure in the container before and after the crash test. The interval Δt is at least 60 minutes after impact to provide time for any leaks to reduce the CHSS pressure by an accurately measurable amount. For a pressure drop to be measured accurately by a sensor, the drop should be at least 5 percent of the pressure sensor's full range. However, for a CHSS larger than about 400 liters, 60 minutes may be insufficient for a leak exceeding the leakage limit to result in 5 percent of full range pressure drop. This is due to the non-linear relationship between the density and pressure of hydrogen and helium gas. Therefore, the variables of CHSS volume, sensor range, and CHSS NWP need to be considered when determining the time interval Δt. GTR No. 13 provides an equation to increase Δt as necessary to ensure an accurate pressure drop measurement as described in the following:

The time interval after impact, Δt, shall be the greater of:

(1) 60 minutes; or

(2) $\Delta t = V_{CHSS} \times NWP/1000 \times ((-0.027 \times NWP + 4) \times R_s - 0.21) - 1.7 \times R_s$, where $R_s = P_s/NWP$, P_s is the pressure range of the pressure sensor (MPa), NWP is the Nominal Working Pressure (MPa), and V_{CHSS} is the volume of the CHSS (L).

Helium may be used in place of hydrogen during crash-testing, as a safer alternative to hydrogen, with the corresponding calculation modifications discussed below. Due to the differing physical properties of hydrogen and helium gas, the allowable leakage limit for helium is 75 percent of the 118 NL/min allowed for hydrogen. This corresponds to a helium leakage limit of 88.5 NL/min.

The second requirement ensures hydrogen does not accumulate in the enclosed or semi-enclosed spaces which could present a post-crash hazard. This hydrogen concentration limit is set to four percent by volume (for helium, this corresponds to a concentration of three percent by volume). This requirement is satisfied if the CHSS shut-off valve(s) are confirmed to be closed within five seconds of the crash and there is no hydrogen leakage from the CHSS. If the shut-off valve has closed and the leakage from the CHSS is no more than 118 NL/min, it is not likely for hydrogen to accumulate in enclosed or semi-enclosed spaces.

For the purpose of measuring the hydrogen concentration, GTR No. 13 specifies that data from the sensors shall be collected at least every five seconds and continue for a period of 60 minutes. GTR No. 13 also discusses filtering of the data to provide smoothing of the data, but is unclear about the exact data filtration method to be used. NHTSA proposes using a three data point rolling average for filtering the data steam. Since a data point will collected at least every five seconds, this rolling average will be, at most, a 15-second rolling average. NHTSA seeks comment on this proposed data filtration method.

The third requirement in GTR No. 13 that NHTSA is proposing is requiring that the container(s) remains attached to the vehicle by at least one component anchorage, bracket, or any structure that transfers loads from the device to the vehicle structure. This ensures that a container is not separated from the vehicle during a crash. Most containers rely at least partially on the vehicle for protection and shielding. As a result, the container cannot be allowed to separate from the vehicle during a crash. This requirement is evaluated by visual inspection of the container attachment points.

NHTSA will evaluate the presence of vehicle fire by visual inspection for the duration of the test, which includes the time needed to determine fuel leakage from the CHSS.

GTR No. 13 specifies that each contracting party maintain its existing national crash tests (frontal, side, rear and rollover) for post-crash evaluation. However, the crash tests specified in FMVSS No. 301 and post-crash requirements are only intended for light vehicles. In GTR No. 13 Phase 1, the scope of the regulation was confined to light vehicles under 4,536 kg (10,000 pounds). Since the scope of GTR No. 13 was expanded under Phase 2 to cover heavy vehicles, the IWG considered different alternative options to replace full vehicle crash tests for heavy vehicles. However, none of these alternative options for heavy vehicles were implemented into GTR No. 13 Phase 2.

Under Phase 2, the European Union proposed sled tests to replace full-scale crash testing for light and heavy vehicles. The sled test proposal involved applying several acceleration pulses to CHSS mounted on a sled with attachment structures similar to those on a corresponding hydrogen vehicle. The acceleration pulses of three separate sled tests simulate a peak of 10 g acceleration in the forward and rearward direction of travel, and 8 g in the direction perpendicular to the direction of travel.

NHTSA questioned the safety need for this sled test during the IWG discussions on the European Union proposal. The proposed sled test's only performance requirement is for the CHSS to remain attached to the vehicle by at least one anchorage point. In the U.S., there is no corresponding sled test for CNG heavy vehicles, and NHTSA is not aware of any safety issues related to anchorage failures in CNG heavy vehicles. Therefore, NHTSA questions the safety relevance of a sled test for hydrogen-fueled heavy vehicles. NHTSA seeks comment on the safety need for a heavy vehicle sled test.

GTR No. 13 Phase 2 also considered the possibility of an impact test for heavy vehicles in place of a full-scale vehicle crash test. The potential impact

[109] For additional information, see the associated technical document "Post-crash hydrogen leakage limit for FMVSS No. 307.pdf" in the docket of this NPRM. Reference: SAE 2578_201408. Recommended Practice for General Fuel Cell Vehicle Safety. Appendix A.1.1.

test would be conducted on the CHSS along with relevant vehicle-specific shielding, panels and/or structural supports on the vehicle. It would thereby simulate a vehicle-level crash test without destroying an entire vehicle. Since the manufacturer is most familiar with the protective design features of their vehicle, the manufacturer would specify which shields, panels, and protective structures to include in the impact test. After the impact, the CHSS would be required to meet the same leakage limit described above for light vehicles. The concentration limit in enclosed spaces and the container displacement requirement would not apply because the impact test would not involve a full vehicle. NHTSA seeks input and comment with supporting data on implementing a possible alternative heavy vehicle impact test for the CHSS.

NHTSA seeks comment on the possibility of including a moving contoured barrier impact test on heavy vehicles (other than school buses) in accordance with S6.5 of FMVSS No. 301. This test would allow for a moving contoured barrier to impact the CHSS along with shields, panels, and protective structures specified by the manufacturer at any angle. Such an impact test would evaluate the ability of side-saddle mounted CHSS to withstand light vehicle impacts and meet the allowable leakage limits.

C. Lead-Time

NHTSA is proposing that the rule take effect the September 1st the year after the final rule is published. As discussed above, NHTSA believes that the requirements in the proposal are closely aligned to current industry practice and manufacturers will not require an extended lead-time. NHTSA seeks comment on whether any of the requirements necessitate additional lead-time.

V. Rulmaking Analyses and Notices

Executive Order 12866, Executive Order 13563, and DOT Regulatory Policies and Procedures

We have considered the potential impact of this proposed rule under Executive Order 12866, Executive Order 13563, and DOT Order 2100.6A. This NPRM is nonsignificant under E.O. 12866 and was not reviewed by the Office of Management and Budget. It is also not considered ''of special note to the Department'' under DOT Order 2100.6A, Rulemaking and Guidance Procedures.

Today, there are only two publicly available vehicle models that may be affected by the proposed rule, which collectively equal less than 5,000 vehicles sold per model year. Most manufacturers and vehicle lines currently in production would be unaffected by this proposal. Of those vehicles that would be covered by today's proposed standards, we expect the compliance cost to be minimal. As discussed earlier, the few manufacturers that already offer hydrogen vehicles in the marketplace already take safety precautions to attempt to emulate the safety of conventional and battery electric vehicles, and adhere to the industry guidelines that informed the creation of GTR No. 13. As today's proposed rule is intended to coalesce industry practice and future designs through harmonized regulations, we also do not expect that the proposal would pose a significant cost to those manufacturers, nor for those manufacturers that may be planning to enter the market.

Given NHTSA is proposing these standards during the early development of hydrogen vehicles, there is no baseline to compare today's proposal against. While we anticipate the regulations, if adopted, would promote safer hydrogen vehicles, we cannot quantify this benefit with any degree of certainty, especially given we cannot forecast what the industry would look like in the absence of our proposed standard. Furthermore, most of the safety benefits that would accrue to this rule, would only be realized when hydrogen vehicles become more prevalent and the net present value of these costs and benefits would be minimal.

We seek comment on all of these assumptions and ask commenters, if they do disagree with this assessment, to identify which portions of the proposal may accrue costs and identify a methodology for quantifying the potential costs and benefits of this proposal.

Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.,* as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996), whenever an agency is required to publish a notice of proposed rulemaking or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.,* small businesses, small organizations, and small governmental jurisdictions). The Small Business Administration's regulations at 13 CFR part 121 define a small business, in part, as a business entity ''which operates primarily within the United States.'' (13 CFR 121.105(a)(1)). No regulatory flexibility analysis is required if the head of an agency certifies the proposed or final rule will not have a significant economic impact on a substantial number of small entities. SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that a proposed or final rule will not have a significant economic impact on a substantial number of small entities.

I certify that the proposed standards would not have a significant impact on a substantial number of small entities. This proposed action would create FMVSS Nos. 307 and 308 to establish minimum safety requirements for the CHSS and fuel system integrity of hydrogen vehicles. FMVSS Nos. 307 and 308 are vehicle standards. We anticipate any burdens of the standard will fall onto manufacturers of hydrogen vehicles. NHTSA is unaware of any small entities that are planning to manufacture hydrogen vehicles. Furthermore, NHTSA is proposing to adopt standards similar to those already in place across industry. Thus, we anticipate the impacts of this NPRM on all manufacturers to be minimal regardless of manufacturer size.

Executive Order 13132

NHTSA has examined this proposed rule pursuant to Executive Order 13132 (64 FR 43255, August 10, 1999) and concluded that no additional consultation with States, local governments or their representatives is mandated beyond the rulemaking process. The Agency has concluded that this action would not have ''federalism implications'' because it would not have ''substantial direct effects on 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,'' as specified in section 1 of the Executive order. This proposed rule would apply to motor vehicle manufacturers. Further, no State has adopted requirements regulating the CHSS or fuel integrity of hydrogen powered vehicles. Thus, Executive Order 13132 is not implicated and consultation with State and local officials is not required.

NHTSA rules can preempt in two ways. First, the National Traffic and Motor Vehicle Safety Act contains an express preemption provision: When a motor vehicle safety standard is in effect under this chapter, a State or a political subdivision of a State may prescribe or continue in effect a standard applicable

to the same aspect of performance of a motor vehicle or motor vehicle equipment only if the standard is identical to the standard prescribed under this chapter. 49 U.S.C. 30103(b)(1). It is this statutory command by Congress that preempts any non-identical State legislative and administrative law addressing the same aspect of performance.

The express preemption provision described above is subject to a savings clause under which compliance with a motor vehicle safety standard prescribed under this chapter does not exempt a person from liability at common law. 49 U.S.C. 30103(e). Pursuant to this provision, State common law tort causes of action against motor vehicle manufacturers that might otherwise be preempted by the express preemption provision are generally preserved.

However, the Supreme Court has recognized the possibility, in some instances, of implied preemption of such State common law tort causes of action by virtue of NHTSA's rules, even if not expressly preempted. This second way that NHTSA rules can preempt is dependent upon there being an actual conflict between an FMVSS and the higher standard that would effectively be imposed on motor vehicle manufacturers if someone obtained a State common law tort judgment against the manufacturer, notwithstanding the manufacturer's compliance with the NHTSA standard. Because most NHTSA standards established by an FMVSS are minimum standards, a State common law tort cause of action that seeks to impose a higher standard on motor vehicle manufacturers will generally not be preempted. However, if and when such a conflict does exist—for example, when the standard at issue is both a minimum and a maximum standard—the State common law tort cause of action is impliedly preempted. See *Geier* v. *American Honda Motor Co.,* 529 U.S. 861 (2000).

Pursuant to Executive Order 13132 and 12988, NHTSA has considered whether this proposed rule could or should preempt State common law causes of action. The agency's ability to announce its conclusion regarding the preemptive effect of one of its rules reduces the likelihood that preemption will be an issue in any subsequent tort litigation. To this end, the agency has examined the nature (*i.e.,* the language and structure of the regulatory text) and objectives of this proposed rule and finds that this rule, like many NHTSA rules, would prescribe only a minimum safety standard. As such, NHTSA does not intend this NPRM to preempt State tort law that would effectively impose a higher standard on motor vehicle manufacturers rule. Establishment of a higher standard by means of State tort law will not conflict with the minimum standard adopted here. Without any conflict, there could not be any implied preemption of a State common law tort cause of action.

Executive Order 12988 (Civil Justice Reform)

When promulgating a regulation, Executive Order 12988 specifically requires that the agency must make every reasonable effort to ensure that the regulation, as appropriate: (1) Specifies in clear language the preemptive effect; (2) specifies in clear language the effect on existing Federal law or regulation, including all provisions repealed, circumscribed, displaced, impaired, or modified; (3) provides a clear legal standard for affected conduct rather than a general standard, while promoting simplification and burden reduction; (4) specifies in clear language the retroactive effect; (5) specifies whether administrative proceedings are to be required before parties may file suit in court; (6) explicitly or implicitly defines key terms; and (7) addresses other important issues affecting clarity and general draftsmanship of regulations.

Pursuant to this Order, NHTSA notes as follows. The preemptive effect of this proposed rule is discussed above in connection with E.O. 13132. NHTSA notes further that there is no requirement that individuals submit a petition for reconsideration or pursue other administrative proceeding before they may file suit in court.

Executive Order 13609 (Promoting International Regulatory Cooperation)

Executive Order 13609, ''Promoting International Regulatory Cooperation,'' promotes international regulatory cooperation to meet shared challenges involving health, safety, labor, security, environmental, and other issues and to reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Today's proposed rule adopts the technical requirements of GTR No.13, a technical standard for hydrogen vehicles adopted by the United Nations Economic Commission for Europe (UNECE) World Forum for Harmonization of Vehicle Regulations (WP.29). As a Contracting Party who voted in favor of GTR No. 13, NHTSA is obligated to initiate rulemaking to incorporate safety requirements and options specified in GTR. While today's proposal does contain some differences from GTR No. 13 to reflect U.S. law, they are consistent with the regulatory process envisioned and encourage from the outset of GTR No. 13. NHTSA will continue to participate with the international community on GTR No. 13, and evaluate further amendments on their merits as they are adopted by WP.29.

NHTSA has analyzed this proposed rule under the policies and agency responsibilities of Executive Order 13609, and has determined this proposal would have no effect on international regulatory cooperation.

National Environmental Policy Act

NHTSA has analyzed this NPRM for the purposes of the National Environmental Policy Act. The agency has determined that implementation of this action would not have an adverse impact on the quality of the human environment. As described earlier, the proposal would coalesce industry practice into uniformed regulations and harmonize with international standards. NHTSA expects the changes to existing vehicles would be minimal, and mitigating the hazards associated with hydrogen leakage and discharge from the fuel system, as well as instituting post-crash restrictions on hydrogen leakage, concentration in enclosed spaces, container displacement, and fire, would result in a public health and safety benefit.

For these reasons, the agency has determined that implementation of this action would not have any adverse impact on the quality of the human environment.

Paperwork Reduction Act

Under the procedures established by the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501, *et seq.*), Federal agencies must obtain approval from the OMB for each collection of information they conduct, sponsor, or require through regulations. A person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. The Information Collection Request (ICR) for a revision of a previously approved collection described below will be forwarded to OMB for review and comment. In compliance with these requirements, NHTSA asks for public comments on the following proposed collection of information for which the agency is seeking approval from OMB. In this NPRM, we are proposing a revision to an existing OMB approved collection, OMB Clearance No. 2127–0512, Consolidated Labeling Requirements for Motor Vehicles (except the VIN). We are soliciting public comment for the

proposed addition of labeling requirements for FMVSS Nos. 307 and 308.

Title: Consolidated Labeling Requirements for Motor Vehicles (except the VIN).

OMB Control Number: OMB Control No. 2127–0512.

Type of Request: Revision of a previously approved collection.

Type of Review Requested: Regular.

Requested Expiration Date of Approval: 3 years from the date of approval.

Summary of the Collection of Information: FMVSS No. 307 specifies requirements for the integrity of motor vehicle fuel systems using compressed hydrogen as a fuel source. Each hydrogen vehicle must have a permanent label which lists the fuel type, service pressure, and a statement directing vehicle users/operators to instructions for inspection and service life of the fuel container. FMVSS No. 308 specifies requirements for the integrity of compressed hydrogen storage systems (CHSS). Each hydrogen container must have a permanent label containing manufacturer contact information, the container serial number, manufacturing date, date of removal from service, and applicable BP_O burst pressure. If the proposed requirements are made final, we will submit a request for OMB clearance of the proposed collection of information and seek clearance prior to the effective date of the final rule.

Description of the likely respondents: Vehicle manufacturers.

Estimated Number of Respondents: 20.

Estimated Total Annual Burden Hours: $8,468.

It is estimated that vehicle manufacturers will provide labels on 10 different hydrogen vehicle models. Since manufacturers have provided CNG vehicles with similar required labels for many years, it is estimated that manufacturers will have a generalized label template which only requires minor adjustments for hydrogen and then population with the required information. There is an annual 1.0 hour burden for manufacturers to have a Mechanical Drafter put the correct information into a label template to create a model specific label. The annual burden for this label creation is 10 hours (10 CNG vehicle model labels * 1 hour per model label) and $404 (10 CNG vehicle model labels * 1 hour per model label * $28.37 labor rate per hour ÷ 70.3% of labor rate as total wage compensation). Manufacturers will also bear a cost burden of $1,884 (2,850 hydrogen vehicles * $0.73 per label) for the required labels to be attached to the CNG vehicles. The combined total annual burden to vehicle manufacturers from the requirements to have the specified label text on hydrogen vehicles is 10 hours and $2,288. These hour and cost burdens represent a new addition to this information collection request.

It is estimated that vehicle manufacturers will provide labels on 10 different hydrogen container models. Since manufacturers have provided CNG containers with similar labels for many years, it is estimated that manufacturers will have a generalized label template which only requires only minor adjustments for hydrogen and then population with their current contact information, the container serial number, manufacturing date, date of removal from service, and applicable BP_O burst pressure. There is an annual 1.0 hour burden for manufacturers to have a Mechanical Drafter put the correct information into a label template to create a model specific label. The annual burden for this label creation is 10 hours (10 hydrogen container model labels * 1.0 hours per model label) and $404 (10 hydrogen container models labels * 1.0 hours per model label * $28.37 labor rate per hour ÷ 70.3% of labor rate as total wage compensation). Manufacturers will also bear a cost burden of $5,776 (7,910 hydrogen containers * $0.730 per label) for the required labels to be attached to the hydrogen containers. The combined total annual burden to vehicle manufacturers from the requirements to have the specified label text on hydrogen containers is 10 hours and $6,180. These hour and cost burdens represent a new addition to this information collection request.

Public Comments Invited: You are asked to comment on any aspects of this information collection, including (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (b) the accuracy of the Department's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Please submit any comments, identified by the docket number in the heading of this document, by the methods described in the **ADDRESSES** section of this document to NHTSA and OMB. Although comments may be submitted during the entire comment period, comments received within 30 days of publication are most useful.

National Technology Transfer and Advancement Act

Under the National Technology Transfer and Advancement Act of 1995 (NTTAA) (Pub. L. 104) Section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) requires NHTSA to evaluate and use existing voluntary consensus standards in its regulatory activities unless doing so would be inconsistent with applicable law (*e.g.,* the statutory provisions regarding NHTSA's vehicle safety authority) or otherwise impractical. Voluntary consensus standards are technical standards developed or adopted by voluntary consensus standards bodies. Technical standards are defined by the NTTAA as ''performance-based or design-specific technical specification and related management systems practices.'' They pertain to ''products and processes, such as size, strength, or technical performance of a product, process or material.''

Examples of organizations generally regarded as voluntary consensus standards bodies include ASTM International, the Society of Automotive Engineers (SAE), and the American National Standards Institute (ANSI). If NHTSA does not use available and potentially applicable voluntary consensus standards, we are required by the Act to provide Congress, through OMB, an explanation of the reasons for not using such standards.

Today's proposed standards are consistent with voluntary standards cited above such as SAEJ2578_201408, SAEJ2579_201806, HPRD–1 2021, and HGV 3.1 2022.

We are proposing to incorporate by reference ISO 6270–2:2017, Determination of resistance to humidity, Second Edition, November 2017 into § 571.308. ISO 6270–2:2017 specifies methods for assessing the resistance of materials to humidity by focusing on how materials behave when exposed to high humidity. The standard provides detailed procedures for conducting tests in controlled environments where humidity is the primary variable. These environments simulate conditions that materials might encounter during their lifecycle, thereby offering insights into potential degradation processes such as corrosion, mold growth, or other forms of moisture-induced damage. The standard sets out guidelines for preparing test specimens, the conditions

under which the tests should be conducted, and the criteria for evaluating the results, including specifying the temperature, humidity levels, and duration of exposure necessary to evaluate a material's resistance to humidity. ISO 6270–2:2017 is available on the ISO web page for purchase and a copy is available for review at NHTSA's headquarters in Washington, DC through the means identified in **ADDRESSES**.[110]

We are proposing to incorporate by reference ASTM D1193–06, Standard Specification for Reagent Water, approved March 22, 2018 into § 571.308. ASTM D1193–06 is a standard that outlines specifications for reagent water quality across various scientific and analytical applications. This standard defines the requirements for the purity of water used in laboratories, ensuring that experiments and tests are not compromised by water impurities that could affect the results. It categorizes water into different types (I, II, III, and IV), each with specific purity levels suitable for particular applications, ranging from high-precision analytical work to general laboratory procedures. The standard details methods for testing and validating the quality of water, including the acceptable limits for contaminants like organic and inorganic compounds, as well as microbial content. It also provides guidelines for the storage and handling of reagent water to maintain its purity. ASTM D1193–06 is available on the ASTM's online reading room and a copy is available for review at NHTSA's headquarters in Washington, DC through the means identified in **ADDRESSES**.[111]

This proposal to adopt GTR No. 13 is consistent with the goals of the NTTAA. This NPRM proposes to adopt a global consensus standard. The GTR was developed by a global regulatory body and is designed to increase global harmonization of differing vehicle standards. The GTR leverages the expertise of governments in developing safety requirements for hydrogen fueled vehicles. NHTSA's consideration of GTR No. 13 accords with the principles of NTTAA as NHTSA's consideration of an established, proven regulation has reduced the need for NHTSA to expend significant agency resources on the same safety need addressed by GTR No. 13.

Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) requires Federal agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or Tribal governments, in the aggregate, or by the private sector, of more than $100 million annually (adjusted for inflation with base year of 1995). Adjusting this amount by the implicit gross domestic product price deflator for the year 2020 results in $158 million (113.625/71.868 = 1.581). Before promulgating a rule for which a written statement is needed, section 205 of the UMRA generally requires the agency to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows the agency to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the agency publishes with the final rule an explanation of why that alternative was not adopted.

This NPRM would not result in expenditures by State, local, or Tribal governments, in the aggregate, or by the private sector in excess of $158 million (in 2020 dollars) annually. As a result, the requirements of Section 202 of the Act do not apply.

Executive Order 13045 (Protection of Children From Environmental Health and Safety Risks)

Executive Order 13045, ''Protection of Children from Environmental Health and Safety Risks,'' (62 FR 19885, April 23, 1997) applies to any proposed or final rule that: (1) Is determined to be ''economically significant,'' as defined in E.O. 12866, and (2) concerns an environmental health or safety risk that NHTSA has reason to believe may have a disproportionate effect on children. If a rule meets both criteria, the agency must evaluate the environmental health or safety effects of the rule on children and explain why the rule is preferable to other potentially effective and reasonably feasible alternatives considered by the agency.

This rulemaking is not subject to the Executive order because it is not economically significant as defined in E.O. 12866.

Executive Order 13211

Executive Order 13211 (66 FR 28355, May 18, 2001) applies to any rulemaking that: (1) is determined to be economically significant as defined under E.O. 12866, and is likely to have a significantly adverse effect on the supply of, distribution of, or use of energy; or (2) that is designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. This rulemaking is not subject to E.O. 13211 as this rule is not economically significant and should not have an adverse effect on the supply of, distribution of, or use of energy as explained in our discussion of Executive Orders 12866 and 13563.

Plain Language

Executive Order 12866 requires each agency to write all rules in plain language. Application of the principles of plain language includes consideration of the following questions:

- Have we organized the material to suit the public's needs?
- Are the requirements in the rule clearly stated?
- Does the rule contain technical language or jargon that isn't clear?
- Would a different format (grouping and order of sections, use of headings, paragraphing) make the rule easier to understand?
- Would more (but shorter) sections be better?
- Could we improve clarity by adding tables, lists, or diagrams?
- What else could we do to make the rule easier to understand?

If you have any responses to these questions, please include them in your comments on this proposal.

Regulation Identifier Number (RIN)

The Department of Transportation assigns a regulation identifier number (RIN) to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. You may use the RIN contained in the heading at the beginning of this document to find this action in the Unified Agenda.

VI. Public Participation

How do I prepare and submit comments?

To ensure that your comments are correctly filed in the Docket, please include the Docket Number in your comments.

Your comments must be written and in English. Your comments must not be more than 15 pages long. NHTSA established this limit to encourage you to write your primary comments in a concise fashion. However, you may attach necessary additional documents

[110] *See, https://www.iso.org/standard/64858.html.*

[111] *See, https://www.astm.org/d1193-06r18.html.*

to your comments, and there is no limit on the length of the attachments.

If you are submitting comments electronically as a PDF (Adobe) file, NHTSA asks that the documents be submitted using the Optical Character Recognition (OCR) process, thus allowing NHTSA to search and copy certain portions of your submissions.

Please note that pursuant to the Data Quality Act, in order for substantive data to be relied on and used by NHTSA, it must meet the information quality standards set forth in the OMB and DOT Data Quality Act guidelines. Accordingly, NHTSA encourages you to consult the guidelines in preparing your comments. DOT's guidelines may be accessed at *https://www.transportation.gov/regulations/dot-information-dissemination-quality-guidelines.*

Tips for Preparing Your Comments

When submitting comments, please remember to:

Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).

Explain why you agree or disagree, suggest alternatives, and substitute language for your requested changes.

Describe any assumptions you make and provide any technical information and/or data that you used.

If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

Provide specific examples to illustrate your concerns and suggest alternatives.

Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

To ensure that your comments are considered by the agency, make sure to submit them by the comment period deadline identified in the **DATES** section above.

For additional guidance on submitting effective comments, see *https://www.regulations.gov/docs/Tips_For_Submitting_Effective_Comments.pdf.*

How can I be sure my comments were received?

If you wish Docket Management to notify you upon its receipt of your comments, enclose a self-addressed, stamped postcard in the envelope containing your comments. Upon receiving your comments, Docket Management will return the postcard by mail.

How do I submit confidential business information?

If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, NHTSA, at the address given above under **FOR FURTHER INFORMATION CONTACT**. In addition, you should submit a copy from which you have deleted the claimed confidential business information to the docket. When you send a comment containing information claimed to be confidential business information, you should include a cover letter setting forth the information specified in our confidential business information regulation. (49 CFR part 512.)

Will the Agency consider late comments?

NHTSA will consider all comments that the docket receives before the close of business on the comment closing date indicated above under **DATES**. To the extent possible, NHTSA will also consider comments that the docket receives after that date. If the docket receives a comment too late for the agency to consider it in developing a final rule, NHTSA will consider that comment as an informal suggestion for future rulemaking action.

How can I read the comments submitted by other people?

You may read the comments received by the docket at the address given above under **ADDRESSES**. You may also see the comments on the internet (*http://regulations.gov*).

Please note that even after the comment closing date, NHTSA will continue to file relevant information in the docket as it becomes available. Further, some people may submit late comments. Accordingly, the agency recommends that you periodically check the docket for new material.

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

List of Subjects in 49 CFR Part 571

Imports, Incorporation by reference, Motor vehicle safety, Reporting and recordkeeping requirements, Tires.

In consideration of the foregoing, NHTSA proposes to amend 49 CFR part 571 as set forth below.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

■ 1. The authority citation for part 571 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117 and 30166; delegation of authority at 49 CFR 1.95.

■ 2. Section 571.5 is amended by:

■ a. In paragraph (d), redesignating paragraphs (19) through (39) as paragraphs (20) through (40) and adding paragraph (19); and

■ b. In paragraph (i), redesignating paragraphs (1) through (4) as paragraphs (2) through (5) and adding paragraph (1).

The additions read as follows:

§ 571.5 Matter incorporated by reference.

* * * * *

(d) * * *

(19) ASTM D1193–06 (Reapproved 2018), Standard Specification for Reagent Water, approved March 22, 2018; into § 571.308.

* * * * *

(i) * * *

(1) ISO 6270–2:2017, Determination of resistance to humidity, Second Edition, November 2017; into § 571.308.

* * * * *

■ 3. Section 571.307 is added to read as follows:

§ 571.307 Standard No. 307; Fuel system integrity of hydrogen vehicles.

S1. *Scope.* This standard specifies requirements for the integrity of motor vehicle hydrogen fuel systems.

S2. *Purpose.* The purpose of this standard is to reduce deaths and injuries occurring from fires that result from hydrogen fuel leakage during vehicle operation and after motor vehicle crashes.

S3. *Application.* This standard applies to each motor vehicle that uses compressed hydrogen gas as a fuel source to propel the vehicle.

S4. *Definitions.*

Check valve means a valve that prevents reverse flow.

Closure devices mean the check valve(s), shut-off valve(s) and thermally activated pressure relief device(s) that control the flow of hydrogen into and/or out of a CHSS.

Container means a pressure-bearing component of a compressed hydrogen storage system that stores a continuous volume of hydrogen fuel in a single chamber or in multiple permanently interconnected chambers.

Container attachments means non-pressure bearing parts attached to the container that provide additional support or protection to the container

and that may be removed only with the use of tools for the specific purpose of maintenance or inspection.

Compressed hydrogen storage system (CHSS) means a system that stores compressed hydrogen fuel for a hydrogen-fueled vehicle, composed of a container, container attachments (if any), and all closure devices required to isolate the stored hydrogen from the remainder of the fuel system and the environment.

Enclosed or semi-enclosed spaces means the volumes external to the hydrogen fuel system such as the passenger compartment, luggage compartment, and space under the hood.

Fuel cell system means a system containing the fuel cell stack(s), air processing system, fuel flow control system, exhaust system, thermal management system and water management system.

Fueling receptacle means the equipment to which a fueling station nozzle attaches to the vehicle and through which fuel is transferred to the vehicle.

Fuel lines means all piping, tubing, joints, and any components such as flow controllers, valves, heat exchangers, and pressure regulators.

Hydrogen concentration means the percentage of the hydrogen molecules within the mixture of hydrogen and air (equivalent to the partial volume of hydrogen gas).

Hydrogen fuel system mean the fueling receptacle, CHSS, fuel cell system or internal combustion engine, fuel lines, and exhaust systems.

Luggage compartment means the space in the vehicle for luggage, cargo, and/or goods accommodation, bounded by a roof, hood, floor, side walls being separated from the passenger compartment by the front bulkhead or the rear bulkhead.

Maximum allowable working pressure (MAWP) means the highest gauge pressure to which a component or system is permitted to operate under normal operating conditions.

Nominal working pressure (NWP) means the settled pressure of compressed gas in a container or CHSS fully fueled to 100 percent state of charge and at a uniform temperature of 15 °C.

Normal milliliter means a quantity of gas that occupies one milliliter of volume when its temperature is 0 °C and its pressure is 1 atmosphere.

Passenger compartment means the space for occupant accommodation that is bounded by the roof, floor, side walls, doors, outside glazing, front bulkhead, and rear bulkhead or rear gate.

Pressure relief device (PRD) means a device that, when activated under specified performance conditions, is used to release hydrogen from a pressurized system and thereby prevent failure of the system.

Rechargeable electrical energy storage system (REESS) means the rechargeable energy storage system that provides electric energy for electrical propulsion.

Service door means a door that allows for the entry and exit of vehicle occupants under normal operating conditions.

Shut-off valve means an automatically activated valve between the container and the remainder of the hydrogen fuel system that must default to the ''closed'' position when not connected to a power source.

State of charge (SOC) means the density ratio of hydrogen in the CHSS between the actual CHSS condition and that at NWP with the CHSS equilibrated to 15 °C, as expressed as a percentage using the formula:

$$SOC(\%) = \frac{\rho(P,T)}{\rho(NWP, 15°C)} x100$$

where ρ is the density of hydrogen (g/L) at pressure (P) in MegaPascals (MPa) and temperature (T) in Celsius (°C) as listed in the table below or linearly interpolated therein.

TABLE 1 TO § 571.307

Temperature (°C)	Pressure (Mpa)												
	1	10	20	30	35	40	50	60	65	70	75	80	87.5
−40	1.0	9.7	18.1	25.4	28.6	31.7	37.2	42.1	44.3	46.4	48.4	50.3	53.0
−30	1.0	9.4	17.5	24.5	27.7	30.6	36.0	40.8	43.0	45.1	47.1	49.0	51.7
−20	1.0	9.0	16.8	23.7	26.8	29.7	35.0	39.7	41.9	43.9	45.9	47.8	50.4
−10	0.9	8.7	16.2	22.9	25.9	28.7	33.9	38.6	40.7	42.8	44.7	46.6	49.2
0	0.9	8.4	15.7	22.2	25.1	27.9	33.0	37.6	39.7	41.7	43.6	45.5	48.1
10	0.9	8.1	15.2	21.5	24.4	27.1	32.1	36.6	38.7	40.7	42.6	44.4	47.0
15	0.8	7.9	14.9	21.2	24.0	26.7	31.7	36.1	38.2	40.2	42.1	43.9	46.5
20	0.8	7.8	14.7	20.8	23.7	26.3	31.2	35.7	37.7	39.7	41.6	43.4	46.0
30	0.8	7.6	14.3	20.3	23.0	25.6	30.4	34.8	36.8	38.8	40.6	42.4	45.0
40	0.8	7.3	13.9	19.7	22.4	24.9	29.7	34.0	36.0	37.9	39.7	41.5	44.0
50	0.7	7.1	13.5	19.2	21.8	24.3	28.9	33.2	35.2	37.1	38.9	40.6	43.1
60	0.7	6.9	13.1	18.7	21.2	23.7	28.3	32.4	34.4	36.3	38.1	39.8	42.3
70	0.7	6.7	12.7	18.2	20.7	23.1	27.6	31.7	33.6	35.5	37.3	39.0	41.4
80	0.7	6.5	12.4	17.7	20.2	22.6	27.0	31.0	32.9	34.7	36.5	38.2	40.6
85	0.7	6.4	12.2	17.5	20.0	22.3	26.7	30.7	32.6	34.4	36.1	37.8	40.2

Thermally-activated pressure relief device (TPRD) means a non-reclosing PRD that is activated by temperature to open and release hydrogen gas.

S5. *Hydrogen fuel system.*

S5.1. *Fuel system integrity during normal vehicle operations.*

S5.1.1. *Fueling receptacle requirements.*

(a) A compressed hydrogen fueling receptacle shall prevent reverse flow to the atmosphere.

(b) A label shall be affixed close to the fueling receptacle showing the following information:

(1) The statement, ''Compressed hydrogen gas only.''

(2) The statement, ''Service pressure ____ MPa (____ psig).''

(3) The statement, ''See instructions on fuel container(s) for inspection and service life.''

(c) The fueling receptacle shall ensure positive locking of the fueling nozzle.

(d) The fueling receptacle shall be protected from the ingress of dirt and water.

(e) The fueling receptacle shall not be mounted to or within the impact energy-absorbing elements of the vehicle and shall not be installed in enclosed or semi-enclosed spaces.

S5.1.2. *Over-pressure protection for the low-pressure system.* An overpressure protection device is required downstream of a pressure regulator to protect the low-pressure

portions of the hydrogen fuel system from overpressure. The activation pressure of the overpressure protection device shall be less than or equal to the MAWP for the respective downstream section of the hydrogen fuel system.

S5.1.3. *Hydrogen discharge systems.*

S5.1.3.1. *Pressure relief systems.*

(a) If present, the outlet of the vent line for hydrogen gas discharge from the TPRD(s) of the CHSS shall be protected from ingress of dirt and water.

(b) With the vehicle on a level surface, the hydrogen gas discharge from the TPRD(s) of the CHSS shall be directed upwards within 20° of vertical relative to the level surface or downwards within 45° of vertical relative to the level surface.

(c) The hydrogen gas discharge from TPRD(s) of the CHSS shall not impinge upon:

(1) Enclosed or semi-enclosed spaces;

(2) Any vehicle wheel housing;

(3) Container(s);

(4) REESS(s);

(5) Any emergency exit(s) as identified in FMVSS No. 217; nor

(6) Any service door(s).

S5.1.3.2. *Vehicle exhaust system.* When tested in accordance with S6.5, the hydrogen concentration at the vehicle exhaust system's point of discharge shall not:

(a) Exceed an average of 4.0 percent by volume during any moving three-second time interval, and

(b) Exceed 8.0 percent by volume at any time.

S5.1.4 *Protection against flammable conditions.*

(a) When tested in accordance with S6.4.1, a warning in accordance with S5.1.6 shall be provided within 10 seconds of the application of the first test gas. When tested in accordance with S6.4.1, the main shut-off valve shall close within 10 seconds of the application of the second test gas.

(b) When tested in accordance with S6.4.2, the hydrogen concentration in the enclosed or semi-enclosed spaces shall be less than 3.0 percent.

S5.1.5 *Fuel system leakage.* When tested in accordance with S6.6, the hydrogen fuel system downstream of the shut-off valve(s) shall not leak.

S5.1.6 *Tell-tale warning.* The warning shall be given to the driver, or to all front seat occupants for vehicles without a driver's designated seating position, by a visual signal or display text with the following properties:

(a) Visible to the driver while seated in the driver's designated seating position or visible to all front seat occupants of vehicles without a driver's designated seating position;

(b) Yellow in color if the warning system malfunctions;

(c) Red in color if hydrogen concentration in enclosed or semi-enclosed spaces exceeds 3.0 percent by volume;

(d) When illuminated, shall be visible to the driver (or to all front seat occupants in vehicles without a driver's designated seating position) under both daylight and night-time driving conditions; and

(e) Remains illuminated when hydrogen concentration in any of the vehicle's enclosed or semi-enclosed spaces exceeds 3.0 percent by volume or when the warning system malfunctions, and the ignition locking system is in the "On" ("Run") position or the propulsion system is activated.

S5.2. *Post-crash fuel system integrity.* Each vehicle with a gross vehicle weight rating (GVWR) of 4,536 kg or less to which this standard applies must meet the requirements in S5.2.1 through S5.2.4 when tested according to S6 under the conditions of S7. Each school bus with a GVWR greater than 4,536 kg to which this standard applies must meet the requirements in S5.2.1 through S5.2.4 when tested according to S6 under the conditions of S7.

S5.2.1. *Fuel leakage limit.* If hydrogen gas is used for testing, the volumetric flow of hydrogen gas leakage shall not exceed an average of 118 normal liters per minute for the time interval, Δt, as determined in accordance with S6.2.1. If helium is used for testing, the volumetric flow of helium leakage shall not exceed an average of 88.5 normal litres per minute for the time interval, Δt, as determined in accordance with S6.2.2.

S5.2.2. *Concentration limit in enclosed spaces.* One of the requirements in (a), (b) or (c).

(a) Hydrogen gas leakage shall not result in a hydrogen concentration in the air greater than 4.0 percent by volume in enclosed or semi-enclosed spaces for 60 minutes after impact when tested in accordance with S6.3.

(b) Helium gas leakage shall not result in a helium concentration in the air greater than 3.0 percent by volume in enclosed or semi-enclosed spaces for 60 minutes after impact when tested in accordance with S6.3.

(c) The shut-off valve of the CHSS shall close within 5 seconds of the crash.

S5.2.3. *Container displacement.* The container(s) shall remain attached to the vehicle by at least one component anchorage, bracket, or any structure that transfers loads from the container to the vehicle structure.

S5.2.4. *Fire.* There shall be no fire in or around the vehicle for the duration of the test.

S6. *Test Requirements.*

S6.1. *Vehicle Crash Tests.* A test vehicle with a GVWR less than or equal to 4,536 kg, under the conditions of S7, is subject to any one single barrier crash test of S6.1.1, S6.1.2, and S6.1.3. A school bus with a GVWR greater than 4,536 kg, under the conditions of S7, is subject to the contoured barrier crash test of S6.1.4. A vehicle subject to S6 need not undergo further testing.

S6.1.1. *Frontal barrier crash.* The test vehicle, with test dummies in accordance with S6.1 of 571.301 of this chapter, traveling longitudinally forward at any speed up to and including 48.0 km/h, impacts a fixed collision barrier that is perpendicular to the line of travel of the vehicle, or at an angle up to 30 degrees in either direction from the perpendicular to the line of travel of the vehicle.

S6.1.2. *Rear moving barrier impact.* The test vehicle, with test dummies in accordance with S6.1 of 571.301 of this chapter, is impacted from the rear by a barrier that conforms to S7.3(b) of 571.301 of this chapter and that is moving at any speed up to and including 80.0 km/h.

S6.1.3. *Side moving deformable barrier impact.* The test vehicle, with the appropriate 49 CFR part 572 test dummies specified in 571.214 at positions required for testing by S7.1.1, S7.2.1, or S7.2.2 of Standard 214, is impacted laterally on either side by a moving deformable barrier moving at any speed between 52.0 km/h and 54.0 km/h.

S6.1.4. *Moving contoured barrier crash.* The test vehicle is impacted at any point and at any angle by the moving contoured barrier assembly, specified in S7.5 and S7.6 in 571.301 of this chapter, traveling longitudinally forward at any speed up to and including 48.0 km/h.

S6.2. *Post-crash CHSS leak test.*

S6.2.1. *Post-crash leak test for CHSS filled with compressed hydrogen.*

(a) The hydrogen gas pressure, P_0 (MPa), and temperature, T_0 (°C), shall be measured immediately before the impact. The hydrogen gas pressure P_f (MPa) and temperature, T_f (°C) shall also be measured immediately after a time interval Δt (in minutes) after impact. The time interval, Δt, starting from the time of impact, shall be the greater of:

(1) 60 minutes; or

(2) $\Delta t = V_{CHSS} \times NWP/1000 \times ((-0.027 \times NWP + 4) \times R_s - 0.21) - 1.7 \times R_s$

where $R_s = P_s / NWP$, P_s is the pressure range of the pressure sensor (MPa), NWP is the Nominal Working Pressure (MPa), and V_{CHSS} is the volume of the CHSS (L).

(b) The initial mass of hydrogen M_0 (g) in the CHSS shall be calculated from the following equations:

$P_0' = P_0 \times 288 / (273 + T_0)$
$\rho_0' = -0.0027 \times (P_0')^2 + 0.75 \times P_0' + 1.07$
$M_0 = \rho_0' \times V_{CHSS}$

(c) The final mass of hydrogen in the CHSS, M_f (in grams), at the end of the time interval, Δt, shall be calculated from the following equations:

$P_f' = P_f \times 288/(273 + T_f)$
$\rho_f' = -0.0027 \times (P_f')^2 + 0.75 \times P_f' + 1.07$
$M_f = \rho_f' \times V_{CHSS}$

where P_f is the measured final pressure (MPa) at the end of the time interval, and T_f (°C) is the measured final temperature.

(d) The average hydrogen flow rate over the time interval shall be calculated from the following equation:

$V_{H2} = (M_f - M_0)/\Delta t \times 22.41/2.016 \times (P_{target}/P_0)$

where V_{H2} is the average volumetric flow rate (normal millilitres per min) over the time interval.

S6.2.2 *Post-crash leak test for CHSS filled with compressed helium.*

(a) The helium pressure, P_0 (MPa), and temperature, T_0 (°C), shall be measured immediately before the impact and again immediately after a time interval starting from the time of impact. The time interval, Δt (min), shall be the greater of:

(1) 60 minutes; or

(2) $\Delta t = V_{CHSS} \times NWP/1000 \times ((-0.028 \times NWP + 5.5) \times R_s - 0.3) - 2.6 \times R_s$

where $R_s = P_s/NWP$, P_s is the pressure range of the pressure sensor (MPa), NWP is the Nominal Working Pressure (MPa), and V_{CHSS} is the volume of the CHSS (L).

(b) The initial mass of helium M_0 (g) in the CHSS shall be calculated from the following equations:

$P_0' = P_0 \times 288 / (273 + T_0)$
$\rho_0' = -0.0043 \times (P_0')^2 + 1.53 \times P_0' + 1.49$
$M_0 = \rho_0' \times V_{CHSS}$

(c) The final mass of helium M_f (g) in the CHSS at the end of the time interval, Δt (min), shall be calculated from the following equations:

$P_f' = P_f \times 288/(273 + T_f)$
$\rho_f' = -0.0043 \times (P_f')^2 + 1.53 \times P_f' + 1.49$
$M_f = \rho_f' \times V_{CHSS}$

where P_f is the measured final pressure (MPa) at the end of the time interval, and T_f (°C) is the measured final temperature.

(d) The average helium flow rate over the time interval shall be calculated from the following equation:

$V_{He} = (M_f - M_0)/\Delta t \times 22.41/4.003 \times (P_{target}/P_0)$

where V_{He} is the average volumetric flow rate (normal millilitres per min) of helium over the time interval.

S6.3. *Post-crash concentration test for enclosed spaces.*

(a) Sensors shall measure either the accumulation of hydrogen or helium gas, as appropriate, or the reduction in oxygen.

(b) Sensors shall have an accuracy of at least 5 percent at 4.0 percent hydrogen or 3.0 percent helium by volume in air, and a full-scale measurement capability of at least 25 percent above these criteria. The sensor shall be capable of a 90 percent response to a full-scale change in concentration within 10 seconds.

(c) Prior to the crash impact, the sensors shall be located in the passenger and luggage compartments of the vehicle as follows:

(1) At any interior point at any distance between 240 mm and 260 mm of the headliner above the driver's seat or near the top center of the passenger compartment.

(2) At any interior point at any distance between 240 mm and 260 mm of the floor in front of the rear (or rear most) seat in the passenger compartment.

(3) At any interior point at any distance between 90 mm and 110 mm below the top of luggage compartment(s).

(d) The sensors shall be securely mounted on the vehicle structure or seats and protected from debris, air bag exhaust gas and projectiles.

(e) The vehicle shall be located either indoors or in an area outdoors protected from direct and indirect wind.

(f) Post-crash data collection in enclosed spaces shall commence from the time of impact. Data from the sensors shall be collected at least every 5 seconds and continue for a period of 60 minutes after the impact.

(g) The data shall be compiled into a three-data-point rolling average prior to evaluating the applicable concentration limit in accordance with S5.2.2(a) or S5.2.2(b).

S6.4. Test procedure for protection against flammable conditions.

S6.4.1. *Test for hydrogen gas leakage detectors.*

(a) The vehicle shall be set to the ''on'' or ''run'' position for at least 5 minutes prior to testing, and left operating for the test duration. If the vehicle is not a fuel cell vehicle, it shall be warmed up and kept idling. If the test vehicle has a system to stop idling automatically, measures shall be taken to prevent the engine from stopping.

(b) Two mixtures of air and hydrogen gas shall be used in the test: The first test gas has any hydrogen concentration between 3.0 and 4.0 percent by volume in air to verify function of the warning, and the second test gas has any hydrogen concentration between 4.0 and 6.0 percent by volume in air to verify function of the shut-down.

(c) The test shall be conducted without any influence of wind.

(d) A vehicle hydrogen leakage detector located in the enclosed or semi-enclosed spaces is enclosed with a cover and a test gas induction hose is attached to the hydrogen gas leakage detector.

(e) The hydrogen gas leakage detector is exposed to continuous flow of the first test gas specified in (b) until the warning turns on.

(f) Then the hydrogen gas leakage detector is then exposed to continuous flow of the second test gas specified in (b) until the main shut-off valve closes to isolate the CHSS. The test is completed when the shut-off valve closes.

S6.4.2. *Test for integrity of enclosed spaces and detection systems.*

(a) The test shall be conducted without influence of wind.

(b) Prior to the test, the vehicle is prepared to simulate remotely controllable hydrogen releases from the fuel system or from an external fuel supply. The number, location, and flow capacity of the release points downstream of the shut-off valve are defined by the vehicle manufacturer.

(c) A hydrogen concentration detector shall be installed in any enclosed or semi-enclosed volume where hydrogen may accumulate from the simulated hydrogen release.

(d) Vehicle doors, windows and other covers are closed.

(e) The vehicle shall be set to the ''on'' or ''run'' position for at least 5 minutes prior to testing, and left operating for the test duration. If the vehicle is not a fuel cell vehicle, it shall be warmed up and kept idling. If the test vehicle has a system to stop idling automatically, measures shall be taken to prevent the engine from stopping.

(f) A leak shall be simulated using the remote controllable function.

(g) The hydrogen concentration is measured continuously until the end of the test.

(h) The test is completed 5 minutes after initiating the simulated leak or when the hydrogen concentration does not change for 3 minutes, whichever is longer.

S6.5. *Test for the vehicle exhaust system.*

(a) The vehicle shall be set to the ''on'' or ''run'' position for at least 5 minutes prior to testing.

(b) The measuring section of the measuring device shall be placed along the centerline of the exhaust gas flow within 100 mm of where the exhaust is released to the atmosphere.

(c) The exhaust hydrogen concentration shall be continuously measured during the following steps:

(1) The fuel cell system shall be shut down.

(2) The fuel cell system shall be immediately restarted.

(3) After one minute, the vehicle shall be set to the ''off'' position and measurement continues until the until the vehicle shut-down is complete shut-down procedure is completed.

(d) The measurement device shall have a resolution time of less than 300 milliseconds;

(e) Have a measurement response time ($t_0 - t_{90}$) of less than 2 seconds, where t_0 is the moment of hydrogen concentration switching, and t_{90} is the time when 90 percent of the final indication is reached and have a resolution time of less than 300 milliseconds (sampling rate of greater than 3.33 Hz).

S6.6. *Test for fuel system leakage.* The vehicle CHSS shall be filled with hydrogen to any pressure between 90 percent NWP and 100 percent NWP for the duration of the test for fuel system leakage.

(a) The vehicle shall be set to the ''on'' or ''run'' position for at least 5 minutes prior to testing, and left operating for the test duration. If the vehicle is not a fuel cell vehicle, it shall be warmed up and kept idling. If the test vehicle has a system to stop idling automatically, measures shall be taken to prevent the engine from stopping.

(b) Hydrogen leakage shall be evaluated at accessible sections of the hydrogen fuel system downstream of the shut-off valve(s), using a gas leak detector or a leak detecting liquid as follows:

(1) When a gas leak detector is used, detection shall be performed by operating the leak detector for at least 10 seconds at locations as close to fuel lines as possible.

(2) When a leak detecting liquid is used, hydrogen gas leak detection shall be performed immediately after applying the liquid.

S7. *Test Conditions.* The requirements of S5.2 shall be met under the following conditions. Where a range of conditions is specified, the vehicle must be capable of meeting the requirements at all points within the range.

(a) Prior to conducting the crash test, instrumentation is installed in the CHSS to perform the required pressure and temperature measurements if the vehicle does not already have instrumentation with the required accuracy.

(b) The CHSS is then purged, if necessary, following manufacturer directions before filling the CHSS with compressed hydrogen or helium gas.

(c) The target fill pressure P_{target} shall be calculated from the following equation:

$$P_{target} = NWP \times (273 + T_o)/288$$

where NWP is in MPa, T_o is the ambient temperature in °C to which the CHSS is expected to settle, and P_{target} is the target fill pressure in MPa after the temperature settles.

(d) The container(s) shall be filled to any pressure between 95.0 percent and 100.0 percent of the calculated target fill pressure.

(e) After fueling, the vehicle shall be maintained at rest for any duration between 2.0 and 3.0 hours before conducting a crash test in accordance with S6.1.

(f) The CHSS shut-off valve(s) and any other shut-off valves located in the fuel system downstream hydrogen gas piping shall be in normal driving condition immediately prior to the impact.

(g) The parking brake is disengaged and the transmission is in neutral prior to the crash test.

(h) Tires are inflated to manufacturer's specifications.

(i) The vehicle, including test devices and instrumentation, is loaded as follows:

(1) A passenger car, with its fuel system filled as specified in S7(d), is loaded to its unloaded vehicle weight plus its rated cargo and luggage capacity weight, secured in the luggage area, plus the necessary test dummies as specified in S6, restrained only by means that are installed in the vehicle for protection at its seating position.

(2) A multipurpose passenger vehicle, truck, or bus with a GVWR of 10,000 pounds or less, whose fuel system is filled as specified in S7(d), is loaded to its unloaded vehicle weight, plus the necessary test dummies as specified in S6, plus 136.1 kg, or its rated cargo and luggage capacity weight, whichever is less, secured to the vehicle and distributed so that the weight on each axle as measured at the tire-ground interface is in proportion to its gross axle weight rating (GAWR). Each dummy shall be restrained only by means that are installed in the vehicle for protection at its seating position.

(3) A school bus with a GVWR greater than 10,000 pounds, whose fuel system is filled as specified in S7(d), is loaded to its unloaded vehicle weight, plus 54.4 kg of unsecured weight at each designated seating position.

■ 5. Section 571.308 is added to read as follows:

§ 571.308 Standard No. 308; Compressed hydrogen storage system integrity.

S1. *Scope.* This standard specifies requirements for compressed hydrogen storage systems used in motor vehicles.

S2. *Purpose.* The purpose of this standard is to reduce deaths and injuries occurring from fires that result from hydrogen leakage during vehicle operation and to reduce deaths and injuries occurring from explosions resulting from the burst of pressurized hydrogen containers.

S3. *Application.* This standard applies to each motor vehicle that uses compressed hydrogen gas as a fuel source.

S4. *Definitions.*

BP_O means the manufacturer-supplied median burst pressure for a batch of new containers.

Burst means to break apart or to break open.

Burst pressure means the highest pressure achieved for a container tested in accordance with S6.2.2.1.

Check valve means a valve that prevents reverse flow.

Closure devices mean the check valve(s), shut-off valve(s) and thermally activated pressure relief device(s) that control the flow of hydrogen into and/or out of a CHSS.

Container means a pressure-bearing component of a compressed hydrogen storage system that stores a continuous volume of hydrogen fuel in a single chamber or in multiple permanently interconnected chambers.

Container attachments means non-pressure bearing parts attached to the container that provide additional support and/or protection to the container and that may be removed only with the use of tools for the specific purpose of maintenance and/or inspection.

Compressed hydrogen storage system (CHSS) means a system that stores compressed hydrogen fuel for a hydrogen-fueled vehicle, composed of a container, container attachments (if any), and all closure devices required to isolate the stored hydrogen from the remainder of the fuel system and the environment.

Nominal working pressure (NWP) means the settled pressure of compressed gas in a container or CHSS fully fueled to 100 percent state of charge and at a uniform temperature of 15 °C.

Normal milliliter means a quantity of gas that occupies one milliliter of volume when its temperature is 0 °C and its pressure is 1 atmosphere.

Pressure relief device (PRD) means a device that, when activated under specified performance conditions, is

used to release hydrogen from a pressurized system and thereby prevent failure of the system.

Service life (of a container) means the time frame during which service (usage) is authorized by the manufacturer.

Shut-off valve means an electrically activated valve between the container and the remainder of the vehicle fuel system that must default to the ''closed'' position when unpowered.

State of charge (SOC) means the density ratio of hydrogen in the CHSS between the actual CHSS condition and that at NWP with the CHSS equilibrated to 15 °C, as expressed as a percentage using the formula:

$$SOC(\%) = \frac{\rho(P,T)}{\rho(NWP, 15^{\circ}C)} x100$$

where ρ is the density of hydrogen (g/L) at pressure (P) in MegaPascals (MPa) and temperature (T) in Celsius (°C) as listed in the table below or linearly interpolated therein.

TABLE 2 TO § 571.307

Temperature (°C)	Pressure (MPa)												
	1	10	20	30	35	40	50	60	65	70	75	80	87.5
−40	1.0	9.7	18.1	25.4	28.6	31.7	37.2	42.1	44.3	46.4	48.4	50.3	53.0
−30	1.0	9.4	17.5	24.5	27.7	30.6	36.0	40.8	43.0	45.1	47.1	49.0	51.7
−20	1.0	9.0	16.8	23.7	26.8	29.7	35.0	39.7	41.9	43.9	45.9	47.8	50.4
−10	0.9	8.7	16.2	22.9	25.9	28.7	33.9	38.6	40.7	42.8	44.7	46.6	49.2
0	0.9	8.4	15.7	22.2	25.1	27.9	33.0	37.6	39.7	41.7	43.6	45.5	48.1
10	0.9	8.1	15.2	21.5	24.4	27.1	32.1	36.6	38.7	40.7	42.6	44.4	47.0
15	0.8	7.9	14.9	21.2	24.0	26.7	31.7	36.1	38.2	40.2	42.1	43.9	46.5
20	0.8	7.8	14.7	20.8	23.7	26.3	31.2	35.7	37.7	39.7	41.6	43.4	46.0
30	0.8	7.6	14.3	20.3	23.0	25.6	30.4	34.8	36.8	38.8	40.6	42.4	45.0
40	0.8	7.3	13.9	19.7	22.4	24.9	29.7	34.0	36.0	37.9	39.7	41.5	44.0
50	0.7	7.1	13.5	19.2	21.8	24.3	28.9	33.2	35.2	37.1	38.9	40.6	43.1
60	0.7	6.9	13.1	18.7	21.2	23.7	28.3	32.4	34.4	36.3	38.1	39.8	42.3
70	0.7	6.7	12.7	18.2	20.7	23.1	27.6	31.7	33.6	35.5	37.3	39.0	41.4
80	0.7	6.5	12.4	17.7	20.2	22.6	27.0	31.0	32.9	34.7	36.5	38.2	40.6
85	0.7	6.4	12.2	17.5	20.0	22.3	26.7	30.7	32.6	34.4	36.1	37.8	40.2

Thermally-activated pressure relief device (TPRD) means a non-reclosing PRD that is activated by temperature to open and release hydrogen gas.

TPRD sense point means instrumentation that detects elevated temperature for the purpose of activating a TPRD.

S5. *Requirements.*

S5.1. *Requirements for the CHSS.* Each vehicle CHSS shall include the following functions: shut-off valve, check valve, and TPRD. Each vehicle CHSS shall have a NWP of 70 MPa or less. Each vehicle container, closure device, and CHSS, shall meet the applicable performance test requirements listed in the table below.

TABLE 3 TO S5.1

Requirement section	Test article
S5.1.1. *Tests for baseline metrics*	Container.
S5.1.2. *Test for performance durability*	Container.
S5.1.3. *Test for expected on-road performance*	CHSS.
S5.1.4. *Test for service terminating performance in fire*	CHSS.
S5.1.5. *Tests for performance durability of closure devices*	Closure devices.

S5.1.1. *Tests for baseline metrics.*

S5.1.1.1 *Baseline initial burst pressure.* The manufacturer shall immediately specify upon request, in writing, and within five business days: the primary constituent of the container. When a new container with its container attachments (if any) is tested in accordance with S6.2.2.1, all of the following requirements shall be met:

(a) The burst pressure of the container shall not be less than 2 times NWP.

(b) The burst pressure of the container having glass-fiber composite as a primary constituent shall not be less than 3.5 times NWP.

(c) The bust pressure of the container for which the manufacturer fails to specify upon request, in writing, and within five business days, the primary constituent of the container, shall not be less than 3.5 times NWP.

(d) The burst pressure of the container shall be within 10 percent of the BP_O listed on the container label.

S5.1.1.2. *Baseline initial pressure cycle test.* When a new container with its container attachments (if any) is hydraulically pressure cycled in accordance with S6.2.2.2 to any pressure between 125.0 percent NWP and 130.0 percent NWP,

(a) containers for vehicles with a GVWR of 10,000 pounds or less

(1) shall not leak nor burst for at least 7,500 cycles, and

(2) thereafter shall not burst for an additional 14,500 cycles. If the required pressure cannot be achieved due to leakage or if a visible leak occurs for more than 3 minutes while conducting the test as specified in S5.1.1.2(a)(2), the test is stopped and not considered a failure.

(b) containers for vehicles with a GVWR of over 10,000 pounds

(1) shall not leak nor burst for at least 11,000 cycles, and

(2) thereafter shall not burst for an additional 11,000 cycles. If the required pressure cannot be achieved due to leakage or if a visible leak occurs for more than 3 minutes while conducting the test as specified in S5.1.1.2(b)(2), the test is stopped and not considered a failure.

S5.1.2. *Test for performance durability.* A new container shall not leak nor burst when subjected to the sequence of tests in S5.1.2.1 to S5.1.2.7. Immediately following S5.1.2.7, and without depressurizing the container, the container is subjected to a burst test in accordance with S6.2.2.1(c) and S6.2.2.1(d). The burst pressure of the container at the end of the sequence of

tests in this section shall not be less than 0.8 times the BP_O listed on the container label. The sequence of tests and the burst pressure test are illustrated in Figure 1.

S5.1.2.1. *Proof pressure test.* The container with its container attachments (if any) is hydraulically pressurized in accordance with S6.2.3.1 to any pressure between 1.500 times NWP and 1.550 times NWP and held for any duration between 30.0 to 35.0 seconds.

S5.1.2.2. *Drop test.* The container with its container attachments (if any) is dropped once in accordance with S6.2.3.2 in any one of the four orientations specified in that section. Any container with damage from the drop test that prevents further testing of the container in accordance with S6.2.3.4 shall be considered to have failed to meet the test for performance durability requirements.

S5.1.2.3. *Surface damage test.* The container, except if an all-metal container, is subjected to the surface damage test in accordance with the S6.2.3.3. Container attachments designed to be removed shall be removed and container attachments that are not designed to be removed shall remain in place. Container attachments that are removed, shall not be reinstalled for the remainder of S5.1.2; container attachments that are not removed, shall remain in place for the remainder of S5.1.2.

S5.1.2.4. *Chemical exposure and ambient-temperature pressure cycling test.* The container is exposed to chemicals in accordance with S6.2.3.4 and then hydraulically pressure cycled in accordance with S6.2.3.4 for 60 percent of the number of cycles as specified in S5.1.1.2(a)(1) or S5.1.1.2(b)(1) as applicable. For all but the last 10 of these cycles, the cycling pressure shall be any pressure between 125.0 percent NWP and 130.0 percent NWP. For the last 10 cycles, the pressure shall be any pressure between 150.0 percent NWP and 155.0 percent NWP.

S5.1.2.5. *High temperature static pressure test.* The container is pressurized to any pressure between (or equal to) 125 percent NWP and 130 percent NWP and held at that pressure no less than 1,000 and no more than 1,050 hours in accordance with S6.2.3.5 and with the temperature surrounding the container at any temperature between 85.0 °C and 90.0 °C.

S5.1.2.6. *Extreme temperature pressure cycling test.* The container is pressure cycled in accordance with S6.2.3.6 for 40 percent of the number of cycles specified in S5.1.1.2(a)(1) or S5.1.1.2(b)(1) as applicable. The pressure for the first half of these cycles equals any pressure between 80.0 percent NWP and 85.0 percent NWP with the temperature surrounding the container equal to any temperature between −45.0 °C and −40.0 °C. The pressure for the next half of these cycles equals any pressure between 125.0 percent NWP and 130.0 percent NWP and the temperature surrounding the container equal to any temperature between 85.0 °C and 90.0 °C and the relative humidity surrounding the container not less than 80 percent.

S5.1.2.7. *Residual pressure test.* The container is hydraulically pressurized in accordance with S6.2.3.1 to a pressure between 180.0 percent NWP and 185.0 percent NWP and held for any duration between 240 to 245 seconds.

S5.1.3. *Test for expected on-road performance.* When subjected to the sequence of tests in S5.1.3.1 to S5.1.3.2, the CHSS shall meet the permeation and leak requirements specified in S5.1.3.3 and shall not burst. Thereafter, the container of the CHSS shall not burst when subjected to a residual pressure test in accordance with S5.1.3.4. Immediately following S5.1.3.4, and without depressurizing the container, the container of the CHSS is subjected to a burst test in accordance with S6.2.2.1(c) and S6.2.2.1(d). The burst pressure of the container at the end of the sequence of tests in this section shall not be less than 0.8 times the BP_O listed on the container label.

S5.1.3.1. *Proof pressure test.* The container of the CHSS is pressurized with hydrogen gas to any pressure between 1.500 times NWP and 1.550 times NWP and held for any duration between 30 to 35 seconds in accordance with the S6.2.3.1 test procedure. The ambient temperature surrounding the container shall be at any temperature between 5.0 °C to 35.0 °C. The fuel delivery temperature used for pressurizing the container with hydrogen shall be at any temperature between −40.0 °C to −33.0 °C.

S5.1.3.2. *Ambient and extreme temperature gas pressure cycling test.* The CHSS is pressure cycled using hydrogen gas for 500 cycles under any temperature and pressure condition for the number of cycles as specified in the Table to S5.1.3.2, and in accordance with the S6.2.4.1 test procedure. A static gas pressure leak/permeation test performed in accordance with S5.1.3.3 is conducted after the first 250 pressure cycles and after the remaining 250 pressure cycles.

TABLE 4 TO S5.1.3.2

Number of cycles	Ambient conditions	Initial system equilibration	Fuel delivery temperature	Cycle initial and final pressure	Cycle peak pressure
5	−30.0 °C to −25.0 °C.	−30.0 °C to −25.0 °C.	15.0 °C to 25.0 °C	1.0 MPa to 2.0 MPa	100.0% SOC to 105.0% SOC.
5	−30.0 °C to −25.0 °C.	−30.0 °C to −25.0 °C.	−40.0 °C to −33.0 °C.	1.0 MPa to 2.0 MPa	100.0% SOC to 105.0% SOC.
15	−30.0 °C to −25.0 °C.	not appliable	−40.0 °C to −33.0 °C.	1.0 MPa to 2.0 MPa	100.0% SOC to 105.0% SOC.
5	50.0 °C to 55.0 °C 80% to 100% relative humidity.	50 °C to 55 °C 80% to 100% relative humidity.	−40.0 °C to −33.0 °C.	1.0 MPa to 2.0 MPa	100.0% SOC to 105.0% SOC.
20	50.0 °C to 55.0 °C, 80% to 100% relative humidity.	not appliable	−40.0 °C to −33.0 °C.	1.0 MPa to 2.0 MPa	100.0% SOC to 105.0% SOC.
200	5.0 °C to 35.0 °C	not appliable	−40.0 °C to −33.0 °C.	1.0 MPa to 2.0 MPa	100.0% SOC to 105.0% SOC.
Extreme temperature static gas pressure leak/permeation test S5.1.3.3.	55.0 °C to 60.0 °C	55.0 °C to 60.0 °C	not appliable	not appliable	100.0% SOC to 105.0% SOC.

TABLE 4 TO S5.1.3.2—Continued

Number of cycles	Ambient conditions	Initial system equilibration	Fuel delivery temperature	Cycle initial and final pressure	Cycle peak pressure
25	50.0 °C to 55.0 °C, 80% to 100% relative humidity.	not appliable	−40.0 °C to −33.0 °C.	1.0 MPa to 2.0 MPa	100.0% SOC to 105.0% SOC.
25	−30.0 °C to −25.0 °C.	not appliable	−40.0 °C to −33.0 °C.	1.0 MPa to 2.0 MPa	100.0% SOC to 105.0% SOC.
200	5.0 °C to 35.0 °C	not appliable	−40.0 °C to −33.0 °C.	1.0 MPa to 2.0 MPa	100.0% SOC to 105.0% SOC.
Extreme temperature static gas pressure leak/permeation test S5.1.3.3.	55.0 °C to 60.0 °C	55.0 °C to 60.0 °C	not appliable	not appliable	100.0% SOC to 105.0% SOC.

S5.1.3.3. *Extreme temperature static gas pressure leak/permeation test.* When tested in accordance with S6.2.4.2 after each group of 250 pneumatic pressure cycles in S5.1.3.2, the CHSS shall not discharge hydrogen more than 46 millilitres per hour (mL/h) for each litre of CHSS water capacity.

S5.1.3.4. *Residual pressure test.* The container of the CHSS is hydraulically pressurized in accordance with S6.2.3.1 to any pressure between 1.800 times NWP and 1.850 times NWP and held at that pressure for any duration between 240 to 245 seconds.

S5.1.4. *Test for service terminating performance in fire.* When the CHSS is exposed to the two-stage localized or engulfing fire test in accordance with S6.2.5, the container shall not burst. The pressure inside the CHSS shall fall to 1 MPa or less within the test time limit specified in S6.2.5.3(o). Any leakage or venting, other than that through TPRD outlet(s), shall not result in jet flames greater than 0.5 m in length. If venting occurs though the TPRD, the venting shall be continuous.

S5.1.5. *Tests for performance durability of closure devices.* All tests are performed at ambient temperature of 5 °C to 35 °C unless otherwise specified.

S5.1.5.1. *TPRD requirements.* The TPRD shall not activate at any point during the test procedures specified in S6.2.6.1.1, S6.2.6.1.3, S6.2.6.1.4, S6.2.6.1.5, S6.2.6.1.6, S6.2.6.1.7, and S6.2.6.1.8.

(a) A TPRD subjected to pressure cycling in accordance with S6.2.6.1.1, shall be sequentially tested in accordance with S6.2.6.1.8, S6.2.6.1.9, and S6.2.6.1.10;

(1) When tested in accordance with S6.2.6.1.8, the TPRD shall not exhibit leakage greater than 10 normal milliliters per minute (NmL/hour).

(2) When tested in accordance with S6.2.6.1.9, the TPRD shall activate within no more than 2 minutes of the average activation time of three new TPRDs tested in accordance with S6.2.6.1.9;

(3) When tested in accordance with S6.2.6.1.10, the TPRD shall have a flow rate of at least 90 percent of the highest baseline flow rate established in accordance with S6.2.6.1.10;

(b)(1) A TPRD shall activate in less than ten hours when tested at the manufacturer's specified activation temperature in accordance with S6.2.6.1.2.

(2) When tested at the accelerated life temperature in accordance with S6.2.6.1.2, a TPRD shall not activate in less than 500 hours and shall not exhibit leakage greater than 10 NmL/hour when tested in accordance with S6.2.6.1.8;

(c) A TPRD subjected to temperature cycling testing in accordance with S6.2.6.1.3 shall be sequentially tested in accordance with S6.2.6.1.8(a)(3), S6.2.6.1.9, and S6.2.6.1.10;

(1) When tested in accordance with S6.2.6.1.8(a)(3), the TPRD shall not exhibit leakage greater than 10 NmL/hour;

(2) When tested in accordance with S6.2.6.1.9, the TPRD shall activate within no more than 2 minutes of the average activation time of three new TPRDs tested in accordance with S6.2.6.1.9;

(3) When tested in accordance with S6.2.6.1.10, the TPRD shall have a flow rate of at least 90 percent of the highest baseline flow rate established in accordance with S6.2.6.1.10;

(d) A TPRDs subjected to salt corrosion resistance testing in accordance with S6.2.6.1.4 shall be sequentially tested in accordance with S6.2.6.1.8, S6.2.6.1.9, and S6.2.6.1.10;

(1) When tested in accordance with S6.2.6.1.8, the TPRD shall not exhibit leakage greater than 10 NmL/hour;

(2) When tested in accordance with S6.2.6.1.9, the TPRD shall activate within no more than 2 minutes of the average activation time of three new TPRDs tested in accordance with S6.2.6.1.9;

(3) When tested in accordance with S6.2.6.1.10, the TPRD shall have a flow rate of at least 90 percent of the highest baseline flow rate established in accordance with S6.2.6.1.10;

(e) A TPRD subjected to vehicle environment testing in accordance with S6.2.6.1.5 shall not show signs of cracking, softening, or swelling, and thereafter shall be sequentially tested in accordance with S6.2.6.1.8, S6.2.6.1.9, and S6.2.6.1.10.

(1) When tested in accordance with S6.2.6.1.8, the TPRD shall not exhibit leakage greater than 10 NmL/hour.

(2) When tested in accordance with S6.2.6.1.9, the TPRD shall activate within no more than 2 minutes of the average activation time of three new TPRDs tested in accordance with S6.2.6.1.9,

(3) When tested in accordance with S6.2.6.1.10, the TPRD shall have a flow rate of at least 90 percent of the highest baseline flow rate established in accordance with S6.2.6.1.10;

(f) A TPRD subjected to stress corrosion cracking testing in accordance with S6.2.6.1.6 shall not exhibit visible cracking or delaminating;

(g) A TPRD shall be subjected to drop and vibration testing in accordance with S6.2.6.1.7. If the TPRD progresses beyond S6.2.6.1.7(c) to complete testing under S6.2.6.1.7(d), it shall then be sequentially tested in accordance with S6.2.6.1.8, S6.2.6.1.9, and S6.2.6.1.10.

(1) When tested in accordance with S6.2.6.1.8, the TPRD shall not exhibit leakage greater than 10 NmL/hour.

(2) When tested in accordance with S6.2.6.1.9, the TPRD shall activate within no more than 2 minutes of the average activation time of three new TPRDs tested in accordance with S6.2.6.1.9,

(3) When tested in accordance with S6.2.6.1.10, the TPRD shall have a flow rate of at least 90 percent of the highest baseline flow rate established in accordance with S6.2.6.1.10;

(h) One new TPRD subjected to leak testing in accordance with S6.2.6.1.8 shall not exhibit leakage greater than 10 NmL/hour;

(i) Three new TPRDs are subjected to a bench top activation test in accordance with S6.2.6.1.9. The maximum difference in the activation time between any two of the three TPRDs shall be 2 minutes or less.

S5.1.5.2. *Check valve and shut-off valve requirements.* This section applies to both check valves and shut-off valves.

(a) A valve subjected to hydrostatic strength testing in accordance with S6.2.6.2.1 shall not leak nor burst at less than 250 percent NWP;

(b) A valve subjected to leak testing in accordance with S6.2.6.2.2 shall not exhibit leakage greater than 10 NmL/hour;

(c)(1) A check valve shall meet the requirements when tested sequentially as follows:

(i) The check valve shall reseat and prevent reverse flow after each cycle when subjected to 13,500 pressure cycles in accordance with S6.2.6.2.3 to any pressure between 100.0 and 105.0 percent NWP and at any temperature between 5.0 °C and 35.0 °C;

(ii) The same check valve shall reseat and prevent reverse flow after each cycle when subjected to 750 pressure cycles in accordance with S6.2.6.2.3 to any pressure between 125.0 and 130.0 percent NWP and at any temperature between 85.0 °C and 90.0 °C;

(iii) The same check valve shall reseat and prevent reverse flow after each cycle when subjected to 750 pressure cycles in accordance with S6.2.6.2.3 to any pressure between 80.0 and 85.0 percent NWP and at any temperature between −45.0 °C and −40.0 °C;

(iv) The same check valve shall be subjected to chatter flow testing in accordance with S6.2.6.2.4;

(v) When tested in accordance with S6.2.6.2.2, the same check valve shall not exhibit leakage greater than 10 NmL/hour;

(vi) When tested in accordance S6.2.6.2.1, the same check valve shall not leak nor burst at less than 250 percent NWP nor burst at less than 80 percent of the burst pressure of the new unit tested in accordance with S5.1.5.2(a) unless the burst pressure of the valve exceeds 400 percent NWP.

(2) A shut-off valve shall meet the requirements when tested sequentially as follows:

(i) The shut-off valve shall be subjected to 45,000 pressure cycles in accordance with S6.2.6.2.3 to any pressure between 100.0 and 105.0 percent NWP and at any temperature between 5.0 °C and 35.0 °C;

(ii) The same shut-off valve shall be subjected to 2,500 pressure cycles in accordance with S6.2.6.2.3 to any pressure between 125.0 and 130.0 percent NWP and at any temperature between 85.0 °C and 90.0 °C;

(iii) The same shut-off valve subjected to 2,500 pressure cycles in accordance with S6.2.6.2.3 to any pressure between 80.0 and 85.0 percent NWP and at any temperature between −45.0 °C and −40.0 °C;

(iv) The same shut-off valve shall be subjected to chatter flow testing in accordance with S6.2.6.2.4;

(v) When tested in accordance with S6.2.6.2.2, the same shut-off valve shall not exhibit leakage greater than 10 NmL/hour;

(vi) When tested in accordance S6.2.6.2.1, the same shut-off valve shall not leak nor burst at less than 250 percent NWP nor burst at less than 80 percent of the burst pressure of the new unit tested in accordance with S5.1.5.2(a) unless the burst pressure of the valve exceeds 400 percent NWP.

(d) A valve subjected to salt corrosion resistance testing in accordance with S6.2.6.1.4 shall be tested sequentially in accordance with S6.2.6.2.2 followed by S6.2.6.2.1.

(1) When tested in accordance with S6.2.6.2.2, the valve shall not exhibit leakage greater than 10 NmL/hour;

(2) When tested in accordance S6.2.6.2.1, the valve shall not leak nor burst at less than 250 percent NWP nor burst at less than 80 percent of the burst pressure of the new unit tested in accordance with S5.1.5.2(a) unless the burst pressure of the valve exceeds 400 percent NWP;

(e) A valve subjected to vehicle environment testing in accordance with S6.2.6.1.5 shall not show signs of cracking, softening, or swelling and shall be tested sequentially in accordance with S6.2.6.2.2 followed by S6.2.6.2.1. Cosmetic changes such as pitting or staining are not considered failures.

(1) When tested in accordance with S6.2.6.2.2, the valve shall not exhibit leakage greater than 10 NmL/hour;

(2) When tested in accordance S6.2.6.2.1, the valve shall not leak nor burst at less than 250 percent NWP nor burst at less than 80 percent of the burst pressure of the new unit tested in accordance with S5.1.5.2(a) unless the burst pressure of the valve exceeds 400 percent NWP;

(f) A shut-off valve shall have a minimum resistance of 240 kΩ between the power conductor and the valve casing, and shall not exhibit open valve, smoke, fire, melting, or leakage greater than 10 NmL/hour when subjected to electrical testing in accordance with S6.2.6.2.5 followed by leak testing in accordance with 6.2.6.2.2;

(g) A valve subjected to vibration testing in accordance with S6.2.6.2.6 shall be tested sequentially in accordance with S6.2.6.2.2 followed by S6.2.6.2.1.

(1) When tested in accordance with S6.2.6.2.2, the valve shall not exhibit leakage greater than 10 NmL/hour;

(2) When tested in accordance S6.2.6.2.1, the valve shall not leak nor burst at less than 250 percent NWP nor burst at less than 80 percent of the burst pressure of the new unit tested in accordance with S5.1.5.2(a) unless the burst pressure of the valve exceeds 400 percent NWP;

(h) A valve shall not exhibit visible cracking or delaminating when subjected to stress corrosion cracking testing in accordance with S6.2.6.1.6;

S5.1.6. *Labeling.* Each vehicle container shall be permanently labeled with the information specified in paragraphs (a) through (f) of this section. Any label affixed to the container in compliance with this section shall remain in place and be legible for the manufacturer's recommended service life of the container. The information shall be in English and in letters and numbers that are at least 6.35 millimeters (1⁄4 inch) high.

(a) The statement: ''If there is a question about the proper use, installation, or maintenance of this compressed hydrogen storage system, contact ______,'' inserting the vehicle manufacturer's name, address, and telephone number. The name provided shall be consistent with the manufacturer's filing in accordance with 49 CFR part 566.

(b) The container serial number.

(c) The statement: ''Manufactured in ______,'' inserting the month and year of manufacture of the container.

(d) The statement ''Nominal Working Pressure ______ MPa (______psig)'' Inserting the nominal working pressure which shall be no greater than 70 MPa.

(e) The statement ''Compressed Hydrogen Gas Only.''

(f) The statement: ''Do Not Use After ______'' inserting the month and year that mark the end of the manufacturer's recommended service life for the container.

(g) The statement: ''This container should be visually inspected for damage and deterioration after a motor vehicle accident or fire, and either (i) at least every 12 months when installed on a vehicle with a GVWR greater than 4,536 kg, or (ii) at least every 36 months or 36,000 miles, whichever comes first,

when installed on a vehicle with a GVWR less than or equal to 4,536 kg.''

(h) The statement: ''The burst pressure BP_O applicable to this container is ______'' inserting the manufacturer's specified value of BP_O in MPa.

S6. *Test procedures*

S6.1. [Reserved]

S6.2. *Test procedures for compressed hydrogen storage.*

S6.2.1. Unless otherwise specified, data sampling for pressure cycling under S6.2 shall be at least 1 Hz.

S6.2.2. *Test procedures for baseline performance metrics.*

S6.2.2.1. *Burst test.*

(a) The container is filled with a hydraulic fluid.

(b) The container, the surrounding environment, and the hydraulic fluid are at any temperature between 5.0 °C and 35.0 °C.

(c) The rate of pressurization shall be less than or equal to 1.4 MPa per second for pressures higher than 1.50 times NWP. If the rate exceeds 0.35 MPa per second at pressures higher than 1.50 times NWP, then the container is placed in series between the pressure source and the pressure measurement device.

(d) The container is hydraulically pressurized until burst and the burst pressure of the container is recorded.

S6.2.2.2. *Pressure cycling test.*

(a) The container is filled with a hydraulic fluid.

(b) The container surface, or the surface of the container attachments if present, the environment surrounding the container, and the hydraulic fluid are at any temperature between 5.0 °C and 35.0 °C at the start of testing and maintained at the specified temperature for the duration of the testing.

(c) The container is pressure cycled at any pressure between 1.0 MPa and 2.0 MPa up to the pressure specified in the respective section of S5. The cycling rate shall be any rate between or equal to 5 and 10 cycles per minute.

(d) The temperature of the hydraulic fluid entering the container is maintained and monitored at any temperature between 5.0 °C and 35.0 °C.

(e) The container manufacturer may specify a hydraulic pressure cycle profile within the specifications of S6.2.2.2(c). Manufacturers shall submit this profile to NHTSA upon request, in writing, and within five business days, otherwise NHTSA shall determine the profile. At NHTSA's option, NHTSA shall cycle the container within 10 percent of the manufacturer's specified cycling profile.

S6.2.3. *Performance durability test.*

S6.2.3.1. *Proof pressure test.* The container is pressurized smoothly and continually with hydraulic fluid or hydrogen gas as specified until the pressure level is reached and held for the specified time.

S6.2.3.2. *Drop impact test.* The container is drop tested without internal pressurization or attached valves. The surface onto which the container is dropped shall be a smooth, horizontal, uniform, dry, concrete pad or other flooring type with equivalent hardness. No attempt shall be made to prevent the container from bouncing or falling over during a drop test, except for the vertical drop test, during which the test article shall be prevented from falling over. The container shall be dropped in any one of the following four orientations described below and illustrated in Figure 2.

(a) From a position within 5° of horizontal with the lowest point of the container at any height between 1.800 meters and 1.820 meters above the surface onto which it is dropped. In the case of a non-axisymmetric container, the largest projection area of the container shall be oriented downward and aligned horizontally;

(b) From a position within 5° of vertical with the center of any shut-off valve interface location upward and with any potential energy of between 488 Joules and 538 Joules. If a drop energy of between 488 Joules and 538 Joules would result in the height of the lower end being more than 1.820 meters above the surface onto which it is dropped, the container shall be dropped from any height with the lower end between 1.800 meters and 1.820 meters above the surface onto which it is dropped. If a drop energy of between 488 Joules and 538 Joules would result in the height of the lower end being less than 0.100 meters above the surface onto which it is dropped, the container shall be dropped from any height with the lower end between 0.100 meters and 0.120 meters above the surface onto which it is dropped. In the case of a non-axisymmetric container, the center of any shut-off valve interface location and the container's center of gravity shall be aligned vertically, with the center of that shut-off valve interface location upward;

(c) From a position within 5° of vertical with the center of any shut-off valve interface location downward with any potential energy of between 488 Joules and 538 Joules. If a potential energy of between 488 Joules and 538 Joules would result in the height of the lower end being more than 1.820 meters above the surface onto which it is dropped, the container shall be dropped from any height with the lower end between 1.800 meters and 1.820 meters above the surface onto which it is dropped. If a drop energy of between 488 Joules and 538 Joules would result in the height of the lower end being less than 0.100 meters above the surface onto which it is dropped, the container shall be dropped from any height with the lower end between 0.100 meters and 0.120 meters above the surface onto which it is dropped. In the case of a non-axisymmetric container, the center of any shut-off valve interface location and the container's center of gravity shall be aligned vertically, with the center of that shut-off valve interface location downward;

(d) From any angle between 40° and 50° from the vertical orientation with the center of any shut-off valve interface location downward, and with the container center of gravity between 1.800 meters and 1.820 meters above the surface onto which it is dropped. However, if the lowest point of the container is closer to the ground than 0.60 meters, the drop angle shall be changed so that the lowest point of the container is between 0.60 meters and 0.62 meters above the ground and the center of gravity is between 1.800 meters and 1.820 meters above the surface onto which it is dropped. In the case of a non-axisymmetric container, the line passing through the center of any shut-off valve interface location and the container's center of gravity shall be at any angle between 40° and 50° from the vertical orientation. If this results in more than one possible container orientation, the drop shall be conducted from the orientation that results in the lowest positioning of the center of the shut-off valve interface location.

S6.2.3.3. *Surface damage test.* The surface damage test consists of surface cut generation and pendulum impacts as described below.

(a) Surface cut generation: Two longitudinal saw cuts are made at any location on the same side of the outer surface of the unpressurized container, as shown in Figure 3, or on the container attachments if present. The first cut is 0.75 millimeters to 1.25 millimeters deep and 200 millimeters to 205 millimeters long; The second cut, which is only required for containers affixed to the vehicle by compressing its composite surface, is 1.25 millimeters to 1.75 millimeters deep and 25 millimeters to 28 millimeters long.

(b) Pendulum impacts: Mark the outer surface of the container, or the container attachments if present, on the side opposite from the saw cuts, with five separate, non-overlapping circles each having any linear diameter between 100.0 millimeters and 105.0 millimeters, as shown in Figure 3. Within 30

minutes following preconditioning for any duration from 12 hours to 24 hours in an environmental chamber at any temperature between −45.0 °C and −40.0 °C, impact the center of each of the five areas with a pendulum having a pyramid with equilateral faces and square base, and the tip and edges being rounded to a radius of between 2.0 millimeters and 4.0 millimeters. The center of impact of the pendulum shall coincide with the center of gravity of the pyramid. The energy of the pendulum at the moment of impact with each of the five marked areas on the container is any energy between 30.0 Joules and 35.0 Joules. The container is secured in place during pendulum impacts and is not pressurized above 1 MPa.

S6.2.3.4. *Chemical exposure and ambient temperature pressure cycling test.*

(a) Each of the 5 areas preconditioned by pendulum impact in S6.2.3.3(b) is exposed to any one of five solutions:

(1) 19 to 21 percent by volume sulfuric acid in water;

(2) 25 to 27 percent by weight sodium hydroxide in water;

(3) 5 to 7 percent by volume methanol in gasoline;

(4) 28 to 30 percent by weight ammonium nitrate in water; and

(5) 50 to 52 percent by volume methyl alcohol in water.

(b) The container is oriented with the fluid exposure areas on top. A pad of glass wool approximately 0.5 centimeters thick and 100 millimeters in diameter is placed on each of the five preconditioned areas. A sufficient amount of the test fluid is applied to the glass wool to ensure that the pad is wetted across its surface and through its thickness for the duration of the test. A plastic covering shall be applied over the glass wool to prevent evaporation.

(c) The exposure of the container with the glass wool is maintained for at least 48 hours and no more than 60 hours with the container hydraulically pressurized to any pressure between 125.0 percent NWP and 130.0 percent NWP. During exposure, the temperature surrounding the container is maintained at any temperature between 5.0 °C and 35.0 °C.

(d) Hydraulic pressure cycling is performed in accordance with S6.2.2.2 at any pressure within the specified ranges according to S5.1.2.4 for the specified number of cycles. The glass wool pads are removed and the container surface is rinsed with water after the cycles are complete.

S6.2.3.5. *Static pressure test.* The container is hydraulically pressurized to the specified pressure in a temperature-controlled chamber. The temperature of the chamber and the container surface, or the surface of the container attachments if present, are held at the specified temperature for the specified duration.

S6.2.3.6. *Extreme temperature pressure cycling test.*

(a) The container is filled with hydraulic fluid for each test;

(b) At the start of each test, the container surface, or the surface of the container attachments if present, the hydraulic fluid, and the environment surrounding the container are at any temperature and relative humidity (if applicable) within the ranges specified in S5.1.2.6 and maintained for the duration of the testing.

(c) The container is pressure cycled from any pressure between 1.0 MPa and 2.0 MPa up to the specified pressure at a rate not exceeding 10 cycles per minute for the specified number of cycles;

(d) The temperature of the hydraulic fluid entering the container shall be measured as close as possible to the container inlet.

S6.2.4. *Test procedures for expected on-road performance.*

S6.2.4.1. Ambient and extreme temperature *gas pressure cycling test.*

(a) In accordance with the Table to S5.1.3.2, the specified ambient conditions of temperature and relative humidity, if applicable, are maintained within the test environment throughout each pressure cycle. When required in accordance with the Table to S5.1.3.2, the CHSS temperature shall be in the specified initial system equilibration temperature range between pressure cycles.

(b) The CHSS is pressure cycled from any pressure between 1.0 MPa and 2.0 MPa up to any pressure within the specified peak pressure range in accordance with the Table to S5.1.3.2. The temperature of the hydrogen fuel dispensed to the container is controlled to within the specified temperature range within 30 seconds of fueling initiation. The specified number of pressure cycles are conducted.

(c) The ramp rate for pressurization shall be greater than or equal to the ramp rate given in the Table to S6.2.4.1(c) according to the CHSS volume, the ambient conditions, and the fuel delivery temperature. If the required ambient temperature is not available in the table, the closest ramp rate value or a linearly interpolated value shall be used. The pressure ramp rate shall be decreased if the gas temperature in the container exceeds 85 °C.

TABLE 5 TO S6.2.4.1(c)

CHSS volume (L)	CHSS pressurization rate (MPa/min)			
	50.0 °C to 55.0 °C ambient conditions −33.0 °C to −40.0 °C fuel delivery temperature	5.0 °C to 35.0 °C ambient conditions −33.0 °C to −40.0 °C fuel delivery temperature	−30.0 °C to −25.0 °C ambient conditions −33.0 °C to −40.0 °C fuel delivery temperature	−30.0 °C to −25.0 °C ambient conditions 15.0 °C to 25.0 °C fuel delivery temperature
50	7.6	19.9	28.5	13.1
100	7.6	19.9	28.5	7.7
174	7.6	19.9	19.9	5.2
250	7.6	19.9	19.9	4.1
300	7.6	16.5	16.5	3.6
400	7.6	12.4	12.4	2.9
500	7.6	9.9	9.9	2.3
600	7.6	8.3	8.3	2.1
700	7.1	7.1	7.1	1.9
1,000	5.0	5.0	5.0	1.4
1,500	3.3	3.3	3.3	1.0
2,000	2.5	2.5	2.5	0.7
2,500	2.0	2.0	2.0	0.5

(d) The de-fueling rate shall be any rate greater than or equal to the intended vehicle's maximum fuel-demand rate. Out of the 500 pressure cycles, any 50 pressure cycles are performed using a de-fueling rate greater than or equal to the maintenance de-fueling rate.

S6.2.4.2. *Gas permeation test.*

(a) A CHSS is filled with hydrogen gas to any SOC between 100.0 percent and 105.0 percent and placed in a sealed container. The CHSS is held for any duration between 12 hours and 24 hours at any temperature between 55.0 °C and 60.0 °C prior to the start of the test.

(b) The permeation from the CHSS shall be determined hourly throughout the test.

(c) The test shall continue for 500 hours or until the permeation rate reaches a steady state. Steady state is achieved when at least 3 consecutive leak rates separated by any duration between 12 hours and 48 hours are within 10 percent of the previous rate.

S6.2.5. *Test procedures for service terminating performance in fire.* The fire test consists of two stages: a localized fire stage followed by an engulfing fire stage. The burner configuration for the fire test is specified in S6.2.5.1. The overall test configuration of the fire test is verified using a pre-test checkout in accordance with S6.2.5.2 prior to the fire test of the CHSS. The fire test of the CHSS is conducted in accordance with S6.2.5.3.

S6.2.5.1. *Burner Configuration.*

(a) The fuel for the burner shall be liquefied petroleum gas (LPG).

(b) The width of the burner shall be between 450 millimeters and 550 millimeters.

(c) The length of the burner used for the localized fire stage shall be between 200 millimeters and 300 millimeters.

(d) The length of the burner used for the engulfing fire stage shall be in accordance with S6.2.5.3(m).

(e) The burner nozzle configuration and installation shall be in accordance with the Table below. The nozzles shall be installed uniformly on six rails.

TABLE 6 TO S6.2.5.1

Item	Description
Nozzle type	Liquefied petroleum gas fuel nozzle with air pre-mix.
LPG orifice in nozzle	0.9 to 1.1 millimeter inner diameter.
Air ports in nozzle	Four (4) holes, 5.8 to 7.0 millimeter inner diameter.
Fuel/Air mixing tube in nozzle	9 to 11 millimeter inner diameter.
Number of rails	6.
Center-to-center spacing of rails	100 to 110 millimeter.
Center-to-center nozzle spacing along the rails	45 to 55 millimeter.

S6.2.5.2. *Pre-test Checkout.*

(a) The pre-test checkout procedure in this section shall be performed to verify the fire test configuration for the CHSS tested in accordance with S6.2.5.3.

(b) A pre-test container is a 12-inch Schedule 40 Nominal Pipe Size steel pipe with end caps. The cylindrical length of the pre-test container shall be equal to or longer than overall length of the CHSS to be tested in S6.2.5.3, but no shorter than 0.80 m and no longer than 1.65 m.

(c) The pre-test container shall be mounted over the burner:

(1) At any height between 95 millimeters and 105 millimeters above the burner;

(2) Such that the nozzles from the two center rails are pointing toward the bottom center of the pre-test container; and

(3) Such that its position relative to the localized and engulfing zones of the burner are consistent with the positioning of the CHSS over the burner in S6.2.5.3.

(d) For outdoor test sites, wind shielding shall be used. The separation between the pre-test container and the walls of the wind shields shall be at least 0.5 meters.

(e) Temperatures during the pre-test check-out shall be measured at least once per second using 3.2 millimeter diameter or less K-type sheath thermocouples.

(f) The thermocouples shall be located in sets to measure temperatures along the cylindrical section of the pre-test container. These thermocouples are secured by straps or other mechanical attachments within 5 millimeters from the pre-test container surface. One set of thermocouples consists of:

(1) One thermocouple located at the bottom surface exposed to the burner flame,

(2) One thermocouple located mid-height along the left side of the cylindrical surface,

(3) One thermocouple located mid-height along the right side of the cylindrical surface, and

(4) One thermocouple located at the top surface opposite to the burner flame.

(g) One set of thermocouples shall be centrally located at the localized fire zone of the CHSS to be tested as determined in S6.2.5.3. Two additional sets of thermocouples shall be spread out over the remaining length of the engulfing fire zone of the CHSS to be tested that is not part of the localized fire zone of the CHSS to be tested.

(h) Burner monitor thermocouples shall be located between 20 millimeters and 30 millimeters below the bottom surface of the pre-test container in the same three horizontal locations described in S6.2.5.2(g). These thermocouples shall be mechanically supported to prevent movement.

(i) With the localized burner ignited, the LPG flow rate to the burner shall be set such that the 60-second rolling averages of individual temperature readings in the localized fire zone shall be in accordance with the localized stage row in the table below.

(j) With the entire burner ignited, the LPG flow rate to the burner shall be set such that the 60-second rolling averages of individual temperature readings shall be in accordance with the engulfing stage row in the table below.

TABLE 7 TO S6.2.5.2

Fire stage	Temperature range on bottom of pre-test container	Temperature range on sides of pre-test container	Temperature range on top of pre-test container
Localized	450 °C to 700 °C	less than 750 °C	less than 300 °C.
Engulfing	Average temperatures of the pre-test container surface measured at the three bottom locations shall be greater than 600 °C.	Not applicable	Average temperatures of the pre-test container surface measured at the three top locations shall be at least 100 °C, and when greater than 750 °C, shall also be less than the average temperatures of the pre-test container surface measured at the three bottom locations.

S6.2.5.3. *CHSS Fire Test.*

(a) The CHSS to be fire tested shall include TPRD vent lines.

(b) The CHSS to be fire tested shall be mounted at any height between 95 millimeters and 105 millimeters above the burner.

(c) CHSS shall be positioned for the localized fire test by orienting the CHSS such that the distance from the center of the localized fire exposure to the TPRD(s) and TPRD sense point(s) is at or near maximum.

(d) When the container is longer than the localized burner, the localized burner shall not extend beyond either end of the container in the CHSS.

(e) The CHSS shall be filled with compressed hydrogen gas to any SOC between 100.0 percent and 105.0 percent.

(f) For outdoor test sites, the same wind shielding shall be used as was used for S6.2.5.2. The separation between the CHSS and the walls of the wind shields shall be at least 0.5 meters.

(g) Burner monitor temperatures shall be measured below the bottom surface of the CHSS in the same positions as specified in S6.2.5.2(h).

(h) The allowable limits for the burner monitor temperatures during the CHSS fire test shall be established based on the results of the pre-test checkout as follows:

(1) The minimum value for the burner monitor temperature during the localized fire stage ($Tmin_{LOC}$) shall be calculated by subtracting 50 °C from the 60-second rolling average of the burner monitor temperature in the localized fire zone of the pre-test checkout. If the resultant $Tmin_{LOC}$ exceeds 600 °C, $Tmin_{LOC}$ shall be 600 °C.

(2) The minimum value for the burner monitor temperature during the engulfing fire stage ($Tmin_{ENG}$) shall be calculated by subtracting 50 °C from the 60-second rolling average of the average of the three burner monitor temperatures during the engulfing fire stage of the pre-test checkout. If the resultant $Tmin_{ENG}$ exceeds 800 °C, $Tmin_{ENG}$ shall be 800 °C.

(i) The localized fire stage is initiated by starting the fuel flow to the localized burner and igniting the burner.

(j) The 10-second rolling average of the burner monitor temperature in the localized fire zone shall be at least 300 °C within 1 minute of ignition and for the next 2 minutes.

(k) Within 3 minutes of the igniting the burner, using the same LPG flow rate as S6.2.5.2(i), the 60-second rolling average of the localized zone burner monitor temperature shall be greater than $Tmin_{LOC}$ as determined in S6.2.5.3(h)(1).

(l) After 10 minutes from igniting the burner, the engulfing fire stage is initiated.

(m) The engulfing fire zone includes the localized fire zone and extends in one direction towards the nearest TPRD or TPRD sense point along the complete length of the container up to a maximum burner length of 1.65 m.

(n) Within 2 minutes of the initiation of the engulfing fire stage, using the same LPG flow rate as S6.2.5.2(j), the 60-second rolling average of the engulfing burner monitor temperature shall be equal or greater than $Tmin_{ENG}$ as determined in S6.2.5.3(h)(2).

(o) The fire testing continues until the pressure inside the CHSS is less than or equal to 1.0 MPa or until:

(1) A total test time of 60 minutes for CHSS on vehicles with a GVWR of 10,000 pounds or less or;

(2) A total test time of 120 minutes for CHSS on vehicles with a GVWR over 10,000 pounds.

S6.2.6. *Test procedures for performance durability of closure devices.*

S6.2.6.1. *TPRD performance tests.* Unless otherwise specified, testing is performed with hydrogen gas with a purity of at least 99.97 percent, less than or equal to 5 parts per million of water, and less or equal to 1 part per million particulate. All tests are performed at any temperature between 5.0 °C and 35.0 °C unless otherwise specified.

S6.2.6.1.1. *Pressure cycling test.* A TPRD undergoes 15,000 internal pressure cycles at a rate not exceeding 10 cycles per minute. The table below summarizes the pressure cycles. Any condition within the ranges specified in the table may be selected for testing.

(a) The first 10 pressure cycles shall be from any low pressure of between 1.0 MPa and 2.0 MPa to any high pressure between 150.0 percent NWP and 155.0 percent NWP. These cycles are conducted at any sample temperature between 85.0 °C to 90.0 °C.

(b) The next 2,240 pressure cycles shall be from any low pressure between 1.0 MPa and 2.0 MPa to any high pressure of between 125.0 percent NWP and 130.0 percent NWP. These cycles are conducted at any sample temperature between 85.0 °C to 90.0 °C.

(c) The next 10,000 pressure cycles shall be from any low pressure of between 1.0 MPa and 2.0 MPa to any high pressure between 125.0 percent NWP and 130.0 percent NWP. These cycles are conducted at a sample temperature between 5.0 °C to 35.0 °C.

(d) The final 2,750 pressure cycles shall be from any low pressure between 1.0 MPa and 2.0 MPa to any high pressure between 80.0 percent NWP and 85.0 percent NWP. These cycles are conducted at any sample temperature between −45.0 °C to −40.0 °C.

TABLE 8 TO S6.2.6.1.1

Number of cycles	Low pressure	High pressure	Sample temperature for cycles
First 10	1.0 MPa to 2.0 MPa	150.0% NWP to 155.0% NWP	85.0 °C to 90.0 °C.

TABLE 8 TO S6.2.6.1.1—Continued

Number of cycles	Low pressure	High pressure	Sample temperature for cycles
Next 2,240	1.0 MPa to 2.0 MPa	125.0% NWP to 130.0% NWP	85.0 °C to 90.0 °C.
Next 10,000	1.0 MPa to 2.0 MPa	125.0% NWP to 130.0% NWP	5.0 °C to 35.0 °C.
Final 2,750	1.0 MPa to 2.0 MPa	80.0% NWP to 85.0% NWP	−45.0 °C to −40.0 °C.

S6.2.6.1.2. *Accelerated life test.*

(a) Two TPRDs undergo testing; one at the manufacturer's specified activation temperature, and one at an accelerated life temperature, T_L, given in °C by the expression:

$$T_L = \left(\frac{0.502}{\beta + T_f} + \frac{0.498}{\beta + T_{ME}}\right)^{-1} - \beta$$

Where β = 273.15 °C, T_{ME} is 85 °C, and T_f is the manufacturer's specified activation temperature in °C.

(b) The TPRDs are placed in an oven or liquid bath maintained within 5.0 °C of the specified temperature per S6.2.6.1.2(a). The TPRD inlets are pressurized with hydrogen to any pressure between 125.0 percent NWP and 130.0 percent NWP and time until activation is measured.

S6.2.6.1.3. *Temperature cycling test.*

(a) An unpressurized TPRD is placed in a cold liquid bath maintained at any temperature between −45.0 °C and −40.0 °C. The TPRD shall remain in the cold bath for any duration not less than 2 hours and not more than 24 hours. The TPRD is removed from the cold bath and transferred, within five minutes of removal, to a hot liquid bath maintained at any temperature between 85.0 °C and 90.0 °C. The TPRD shall remain in the hot bath for any duration not less than 2 hours and not more than 24 hours. The TPRD is removed from the hot bath and, within five minutes of removal, transferred back into the cold bath maintained at any temperature between −45.0 °C and −40.0 °C;

(b) Step (a) is repeated until 15 thermal cycles have been achieved.

(c) The TPRD remains in the cold liquid bath for any duration not less than 2 and not more than 24 additional hours, then the internal pressure of the TPRD is cycled with hydrogen gas from any pressure between 1.0 MPa and 2.0 MPa to any pressure between 80.0 percent NWP and 85.0 percent NWP for 100 cycles. During cycling, the TPRD remains in the cold bath and the cold bath is maintained at any temperature between −45.0 °C and −40.0 °C.

S6.2.6.1.4. *Salt corrosion resistance test.*

(a) Each closure device is exposed to a combination of cyclic conditions of salt solution, temperatures, and humidity. One test cycle is equal to any duration not less than 22 and not more than 26 hours, and is in accordance with the table below.

TABLE 9 TO S6.2.6.1.4

Accelerated cyclic corrosion conditions (1 cycle = 22 hours to 26 hours)			
Cycle condition	Temperature	Relative humidity	Cycle duration
Ambient stage	22.0 °C to 28.0 °C	35 percent to 55 percent	470 minutes to 490 minutes.
Transition 55 min to 60 min			
Humid stage	47.0 °C to 51.0 °C	95 percent to 100 percent	410 minutes to 430 minutes.
Transition 170 minutes to 190 minutes			
Dry stage	55.0 °C to 65.0 °C	less than 30 percent	290 minutes to 310 minutes.

(b) The apparatus used for this test shall consist of a fog/environmental chamber as defined in ISO 6270–2:2017 (incorporated by reference, see § 571.5), with a suitable water supply conforming to Type IV requirements in ASTM D1193–06(R2018) (incorporated by reference, see § 571.5). The chamber shall include a supply of compressed air and one or more nozzles for fog generation. The nozzle or nozzles used for the generation of the fog shall be directed or baffled to minimize any direct impingement on the closure devices.

(c) During ''wet-bottom'' generated humidity cycles, water droplets shall be visible on the samples.

(d) Steam generated humidity may be used provided the source of water used in generating the steam is free of corrosion inhibitors and visible water droplets are formed on the samples to achieve proper wetness.

(e) The drying stage shall occur in the following environmental conditions: any temperature not less than 60 °C and not greater than 65 °C and relative humidity no more than 30 percent with air circulation.

(f) The impingement force from the salt solution application shall not remove corrosion and/or damage the coatings of the closure devices.

(g) The complex salt solution in percent by mass shall be as specified below:

(1) Sodium Chloride: not less than 0.08 and not more than 0.10 percent.

(2) Calcium Chloride: not less than 0.095 and not more than 0.105 percent

(3) Sodium Bicarbonate: not less than 0.07 and not more than 0.08 percent

(4) Sodium Chloride must be reagent grade or food grade. Calcium Chloride must be reagent grade. Sodium Bicarbonate must be reagent grade. For the purposes of S6.2.6.1.4, water must meet ASTM D1193–06(R2018) Type IV requirements (incorporated by reference, see § 571.5).

(5) Either calcium chloride or sodium bicarbonate material must be dissolved separately in water and added to the solution of the other materials.

(h) The closure devices shall be installed in accordance with the

manufacturer's recommended procedure and exposed to the 100 daily corrosion cycles, with each corrosion cycle in accordance with the table above.

(i) For each salt mist application, the solution shall be sprayed as an atomized mist, using the spray apparatus to mist the components until all areas are thoroughly wet and dripping. Suitable application techniques include using a plastic bottle, or a siphon spray powered by oil-free regulated air to spray the test samples. The quantity of spray applied should be sufficient to visibly rinse away salt accumulation left from previous sprays. Four salt mist applications shall be applied during the ambient stage. The first salt mist application occurs at the beginning of the ambient stage. Each subsequent salt mist application should be applied not less than 90 and not more than 95 minutes after the previous application.

(j) The time from ambient to the wet condition shall be any duration not less than 60 and not more than 65 minutes and the transition time between wet and dry conditions shall be any duration not less than 180 and not more than 190 minutes.

S6.2.6.1.5. *Vehicle environment test.*

(a) The inlet and outlet connections of the closure device are connected or capped in accordance with the manufacturer's installation instructions. All external surfaces of the closure device are exposed to each of the following fluids for any duration between 24 hours and 26 hours. The temperature during exposure shall be any temperature between 5.0 °C and 35.0 °C. A separate test is performed with each of the fluids sequentially on a single closure device.

(1) Sulfuric acid: not less than 19 and not more than 21 percent by volume in water;

(2) Ethanol/gasoline: not less than 10 and not more than 12 percent by volume ethanol and not less than 88 and not more than 90 percent by volume gasoline; and

(3) Windshield washer fluid: not less than 50 and not more than 52 percent by volume methanol in water.

(b) The fluids are replenished as needed to ensure complete exposure for the duration of the test.

(c) After exposure to each fluid, the closure device is wiped off and rinsed with water.

S6.2.6.1.6. *Stress corrosion cracking test.*

(a) All components exposed to the atmosphere shall be degreased. For check valves and shut-off valves, the closure device shall be disassembled, all components degreased, and then reassembled.

(b) The closure device is continuously exposed to a moist ammonia air mixture maintained in a glass chamber having a glass cover. The exposure lasts any duration not less than 240 hours and not more than 242 hours. The aqueous ammonia shall have any specific gravity not less than 0.940 and not more than 0.941. Aqueous ammonia shall be located at the bottom of the glass chamber below the sample at any volume not less than 20 mL and not more than 22 mL of aqueous ammonia per liter of chamber volume. The bottom of the sample is positioned any distance not less than 30 and not more than 40 millimeters above the aqueous ammonia and supported in an inert tray.

(c) The moist ammonia-air mixture is maintained at atmospheric pressure and any temperature not less than 35 °C and not more than 40 °C.

S6.2.6.1.7. *Drop and vibration test.*

(a) The TPRD is aligned vertically to any one of the six orientations covering the opposing directions of three orthogonal axes: vertical, lateral and longitudinal.

(b) A TPRD is dropped in free fall from any height between 2.00 meters and 2.02 meters onto a smooth concrete surface. The TPRD is allowed to bounce on the concrete surface after the initial impact.

(c) Any sample with damage from the drop that results in the TPRD not being able to be tested in accordance with S6.2.6.1.7(d) shall not proceed to S6.2.6.1.7(d) and shall not be considered a failure of this test.

(d) Each TPRD dropped in S6.2.6.1.7(a) that did not have damage that results in the TPRD not being able to be tested is mounted in a test fixture in accordance with manufacturer's installation instructions and vibrated for any duration between 30.0 minutes and 35.0 minutes along each of the three orthogonal axes (vertical, lateral and longitudinal) at the most severe resonant frequency for each axis.

(1) The most severe resonant frequency for each axis is determined using any acceleration between 1.50 g and 1.60 g and sweeping through a sinusoidal frequency range from 10 Hz to 500 Hz with any sweep time between 10.0 minutes and 20.0 minutes. The most severe resonant frequency is identified by a pronounced increase in vibration amplitude.

(2) If the resonance frequency is not found, the test shall be conducted at any frequency between 35 Hz and 45 Hz.

S6.2.6.1.8. *Leak test.* Unless otherwise specified, the TPRD shall be thermally conditioned to the ambient temperature condition, then checked for leakage, then conditioned to the high temperature condition, then checked for leakage, then conditioned to low temperature, then checked for leakage.

(a) The TPRD shall be thermally conditioned at test temperatures in each of the test conditions and held for any duration between 1.0 hour and 24.0 hours. The TPRD is pressurized with hydrogen at the inlet. The required test conditions are:

(1) Ambient temperature: condition the TPRD at any temperature between 5.0 °C and 35.0 °C; test in accordance with S6.2.6.1.8(b) at any pressure between 1.5 MPa and 2.5 MPa and then at any pressure between 125.0 percent NWP and 130.0 percent NWP.

(2) High temperature: condition the TPRD at any temperature between 85.0 °C and 90.0 °C; test in accordance with S6.2.6.1.8(b) at any pressure between 1.5 MPa and 2.5 MPa and then at any pressure between 125.0 percent NWP and 130.0 percent NWP.

(3) Low temperature: condition the TPRD at any temperature between −45.0 °C and −40.0 °C; test in accordance with S6.2.6.1.8(b) at any pressure between 1.5 MPa and 2.5 MPa and then at any pressure between 100.0 percent NWP and 105.0 percent NWP.

(b) Following conditioning at each of the specified test temperature ranges, the TPRD is observed for leakage while immersed in a temperature-controlled liquid at the same specified temperature range for any duration between 1.0 minutes and 2.0 minutes at each of the pressures ranges listed above. If no bubbles are observed for the specified time period, it is not considered a failure. If bubbles are detected, the leak rate is measured.

S6.2.6.1.9. *Bench top activation test.*

(a) The test apparatus consists of either a forced air oven or chimney with air flow. The TPRD is not exposed directly to flame. The TPRD is mounted in the test apparatus according to the manufacturer's installation instructions.

(b) The temperature of the oven or chimney is at any temperature between 600.0 °C and 605.0 °C for any duration between 2 minutes and 62 minutes prior to inserting the TPRD.

(c) Prior to inserting the TPRD, pressurize the TPRD to any pressure between 1.5 MPa and 2.5 MPa.

(d) The pressurized TPRD is inserted into the oven or chimney, the temperature within the oven or chimney is maintained at any temperature between 600.0 °C and 605.0 °C, and the time for the TPRD to activate is recorded. If the TPRD does not activate within 120 minutes from the time of insertion into the oven or chimney, the TPRD shall be considered to have failed the test.

S6.2.6.1.10. *Flow rate test.*

(a) At least one new TPRD is tested to establish a baseline flow rate.

(b) After activation in accordance with S6.2.6.1.9, and without cleaning, removal of parts, or reconditioning, the TPRD is subjected to flow testing using hydrogen, air or an inert gas;

(c) Flow rate testing is conducted with any inlet pressure between 1.5 MPa and 2.5 MPa. The outlet is at atmospheric pressure.

(d) Flow rate is measured in units of kilograms per minute with a precision of at least 2 significant digits.

S6.2.6.2. *Check valve and shut-off valve performance tests.* Unless otherwise specified, testing shall be performed with hydrogen gas with a purity of at least 99.97 percent, less than or equal to 5 parts per million of water, and less or equal to 1 part per million particulate. All tests are performed at any temperature between 5.0 °C and 35.0 °C unless otherwise specified.

S6.2.6.2.1. *Hydrostatic strength test.*

(a) The outlet opening is plugged and valve seats or internal blocks are made to assume the open position.

(b) Any hydrostatic pressure between 250.0 percent NWP and 255.0 percent NWP is applied using water to the valve inlet for any duration between 180.0 seconds and 185.0 seconds. The unit is examined to ensure that burst has not occurred.

(c) The hydrostatic pressure is then increased at a rate of less than or equal to 1.4 MPa/sec until component failure. The hydrostatic pressure at failure is recorded.

S6.2.6.2.2. *Leak test.*

Each unit shall be thermally conditioned to the ambient temperature condition, then checked for leakage, then conditioned to the high temperature condition, then checked for leakage, then conditioned to low temperature, then checked for leakage.

(a) Each unit shall be pressurized to any pressure between 2.0 MPa and 3.0 MPa and held for any duration between 1.0 hours and 24.0 hours in the specified temperature range before testing. The outlet opening is plugged. The test conditions are:

(1) Ambient temperature: condition the unit at any temperature between 5.0 °C and 35.0 °C; test at any pressure between 1.5 MPa and 2.5 MPa and at any pressure between 125.0 percent NWP and 130.0 percent NWP.

(2) High temperature: condition the unit at any temperature between 85.0 °C and 90.0 °C; test at any pressure between 1.5 MPa and 2.5 MPa and any pressure between 125.0 percent NWP and 130.0 percent NWP.

(3) Low temperature: condition the unit at any temperature between −45.0 °C and −40.0 °C; test at any pressure between 1.5 MPa and 2.5 MPa and any pressure between 100.0 percent NWP and 105.0 percent NWP.

(b) While within the specified temperature and pressure range, the unit is observed for leakage while immersed in a temperature-controlled liquid held within the same specified temperature range as the test condition for any duration between 1.0 minutes and 2.0 minutes at each of the test pressures. If no bubbles are observed for the specified time period, the sample passes the leak test. If bubbles are detected, the leak rate is measured.

S6.2.6.2.3. *Extreme temperature pressure cycling test.*

(a) The valve unit is connected to a test fixture.

(b) For a check valve, the pressure is applied in six incremental pulses to the check valve inlet with the outlet closed. The pressure is then vented from the check valve inlet. The pressure is lowered on the check valve outlet side to any pressure between 55.0 percent NWP and 60.0 percent NWP prior to the next cycle;

(c) For a shut-off valve, the specified pressure is applied through the inlet port. The shut-off valve is then energized to open the valve and the pressure is reduced to any pressure less than 50 percent of the specified pressure range. The shut-off valve shall then be de-energized to close the valve prior to the next cycle.

S6.2.6.2.4. *Chatter flow test.* The valve is subjected to between 24.0 hours and 26.0 hours of chatter flow at a flow rate that causes the most valve flutter.

S6.2.6.2.5. *Electrical Tests.* This section applies to shut-off valves only.

(a) The solenoid valve is connected to a variable DC voltage source, and the solenoid valve is operated as follows:

(1) Held for any duration between 60.0 and 65.0 minutes at any voltage between 0.50 V and 1.5 times the rated voltage.

(2) The voltage is increased to any voltage between 0.5 V to two times the rated voltage, or between 60.0 V and 60.5 V, whichever is less, and held for any duration between 60.0 seconds and 70.0 seconds.

(b) Any voltage between 1,000.0 V DC and 1,010.0 V DC is applied between the power conductor and the component casing for any duration between 2.0 seconds to 4.0 seconds.

S6.2.6.2.6. *Vibration test.*

(a) The valve is pressurized with hydrogen to any pressure between 100.0 percent NWP and 105.0 percent NWP, sealed at both ends, and vibrated for any duration between 30.0 and 35.0 minutes along each of the three orthogonal axes (vertical, lateral and longitudinal) at the most severe resonant frequencies.

(b) The most severe resonant frequencies are determined using any acceleration between 1.50 g and 1.60 g and sweeping through a sinusoidal frequency range from 10 Hz to 500 Hz with any sweep time between 10.0 minutes and 20.0 minutes. The resonance frequency is identified by a pronounced increase in vibration amplitude.

(c) If the resonance frequency is not found, the test shall be conducted at any frequency between 35 Hz and 45 Hz.

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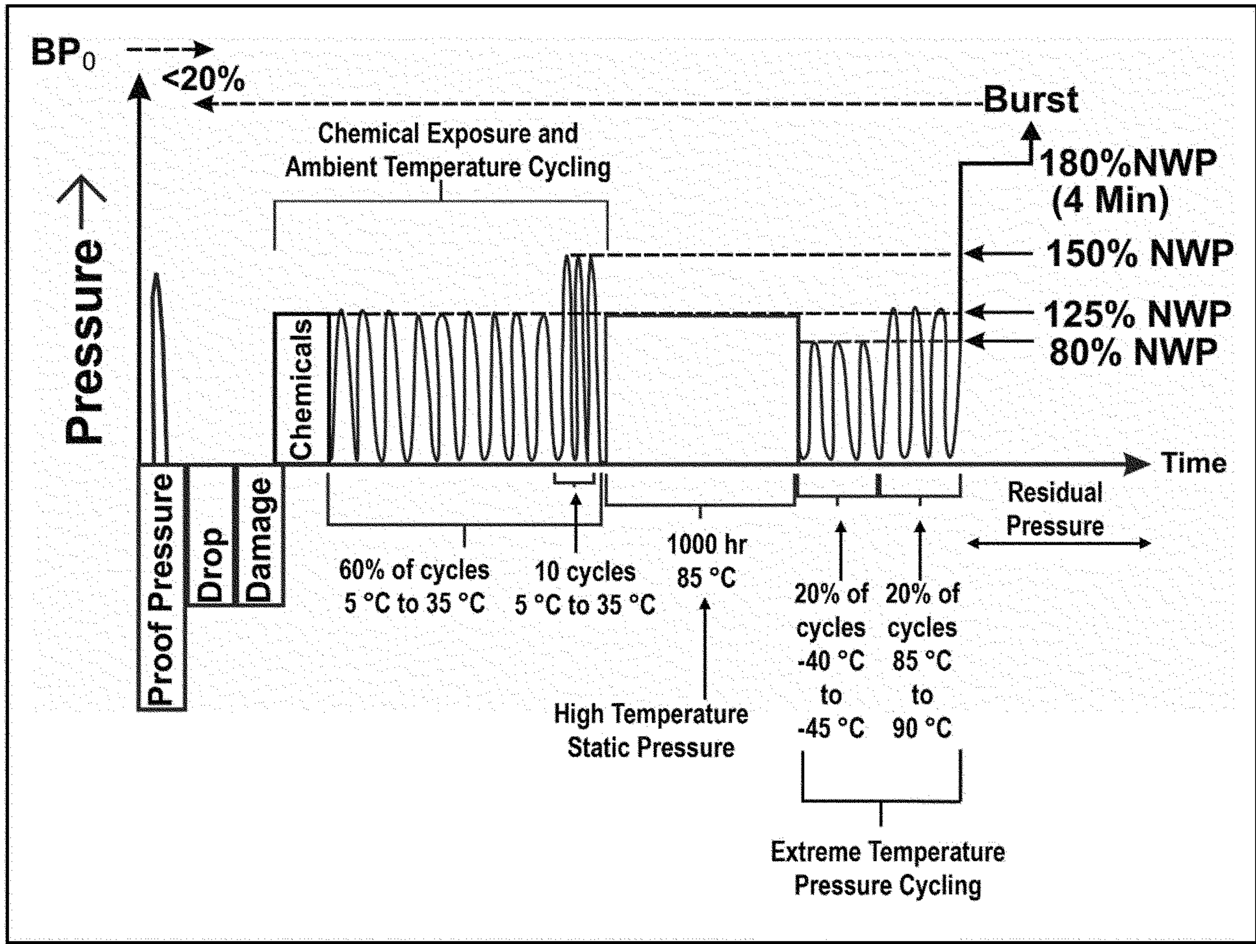

Figure 1. Performance Durability Test;
(for Illustration Purposes Only)

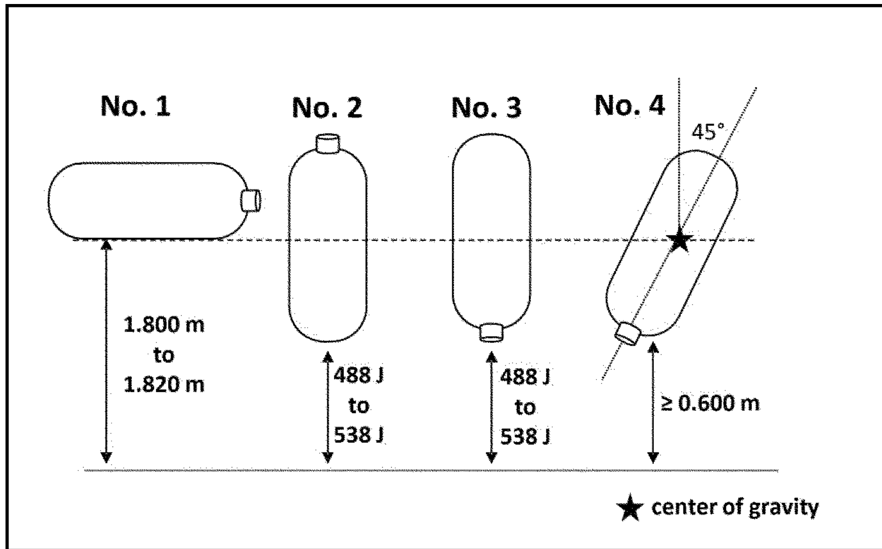

Figure 2. The Four Drop Orientations;
(for Illustration Purposes Only)

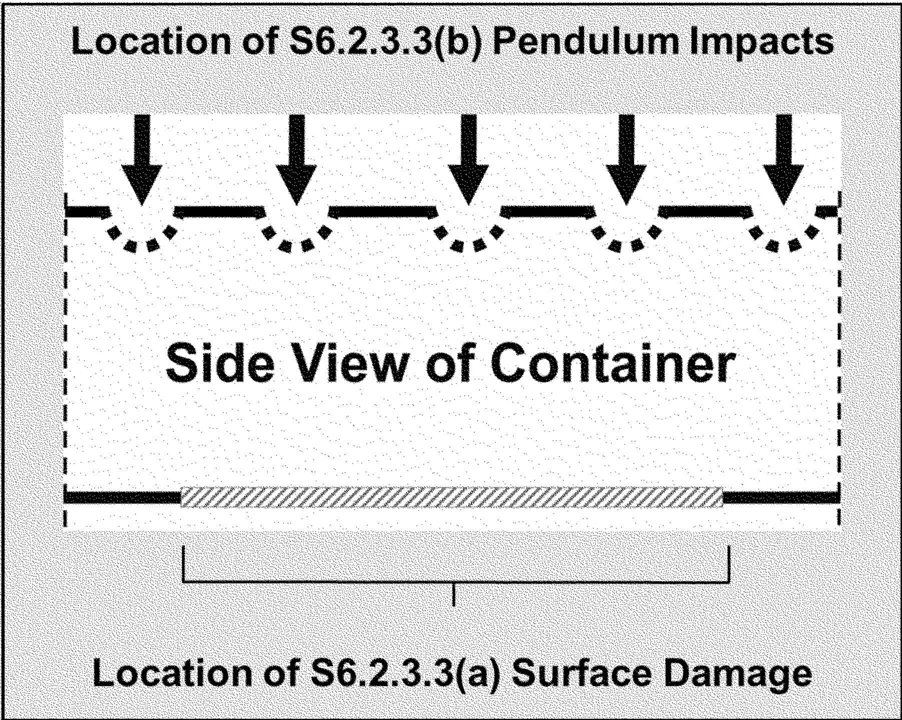

Figure 3. Locations of Surface Damage for S6.2.3.3(a) and Pendulum Impacts for S6.2.3.3(b); (for Illustration Purposes Only)

Authority: 49 U.S.C. 322, 30111, 30115, 30117, 30122 and 30166; delegation of authority at 49 CFR 1.95 and 501.5.

Sophie Shulman,

Deputy Administrator.

[FR Doc. 2024–07116 Filed 4–16–24; 8:45 am]

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Part III

Department of Education

34 CFR Parts 30 and 682
Student Debt Relief for the William D. Ford Federal Direct Loan Program (Direct Loans), the Federal Family Education Loan (FFEL) Program, the Federal Perkins Loan (Perkins) Program, and the Health Education Assistance Loan (HEAL) Program; Proposed Rule

DEPARTMENT OF EDUCATION

34 CFR Parts 30 and 682

[Docket ID ED–2023–OPE–0123]

RIN 1840–AD93

Student Debt Relief for the William D. Ford Federal Direct Loan Program (Direct Loans), the Federal Family Education Loan (FFEL) Program, the Federal Perkins Loan (Perkins) Program, and the Health Education Assistance Loan (HEAL) Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The Secretary proposes to amend the regulations related to the Higher Education Act of 1965, as amended (HEA) to provide for the waiver of certain student loan debts.

In this NPRM, the Department proposes regulations, in accordance with the Secretary's authority to waive repayment of a loan provided by the HEA, to provide targeted debt relief as part of efforts to address the burden of student loan debt. The proposed regulations would modify the Department's existing debt collection regulations to provide greater specificity regarding certain non-exhaustive situations in which the Secretary may exercise discretion to waive all or part of any debts owed to the Department.

DATES: We must receive your comments on or before May 17, 2024.

ADDRESSES: For more information regarding submittal of comments, please see **SUPPLEMENTARY INFORMATION**. Comments must be submitted via the Federal eRulemaking Portal at *Regulations.gov.* However, if you require an accommodation or cannot otherwise submit your comments via *Regulations.gov,* please contact Rene Tiongquico at (202) 453–7513 or by email at *Rene.Tiongquico@ed.gov.*

Federal eRulemaking Portal: Please go to *www.regulations.gov* to submit your comments electronically. Information on using *Regulations.gov,* including instructions for finding a rule on the site and submitting comments, is available on the site under ''FAQ.'' In accordance with the Providing Accountability Through Transparency Act of 2023 (Pub. L. 118–9), a summary of not more than 100 words in length of the proposed rule, in plain language, is posted on *Regulations.gov* in the rulemaking docket: *https://www.regulations.gov/docket/ED-2023-OPE-0123.*

Privacy Note: The Department's policy is to generally make comments received from members of the public available for public viewing on the Federal eRulemaking Portal at *Regulations.gov.* Therefore, commenters should include in their comments only information about themselves that they wish to make publicly available. Commenters should not include in their comments any information that identifies other individuals or that permits readers to identify other individuals. If, for example, your comment describes an experience of someone other than yourself, please do not identify that individual or include information that would allow readers to identify that individual. The Department may not make comments that contain personally identifiable information (PII) about someone other than the commenter publicly available on *Regulations.gov* for privacy reasons. This may include comments where the commenter refers to a third-party individual without using their name if the Department determines that the comment provides enough detail that could allow one or more readers to link the information to the third-party individual. If your comment refers to a third-party individual, please refer to the third-party individual anonymously to reduce the chance that information in your comment could be linked to the third party. For example, ''a former student with a graduate level degree'' does not provide information that identifies a third-party individual as opposed to ''my sister, Jane Doe, had this experience while attending University X,'' which does provide enough information to identify a specific third-party individual. For privacy reasons, the Department reserves the right to not make available on *Regulations.gov* any information in comments that identifies other individuals, includes information that would allow readers to identify other individuals, or includes threats of harm to another person or to oneself.

FOR FURTHER INFORMATION CONTACT: For further information related to general waivers and length of time in repayment, contact Richard Blasen at (202) 987–0315 or by email at *Richard.Blasen@ed.gov.* For further information related to current balances that exceed original amounts borrowed, contact Bruce Honer at (202) 987–0750 or by email at *Bruce.Honer@ed.gov.* For further information related to waiver eligibility based on repayment plan and targeted debt relief, contact Vanessa Freeman at (202) 987–1336 or by email at *Vanessa.Freeman@ed.gov.* For further information related to secretarial actions and Gainful Employment programs with low financial value, contact Rene Tiongquico at (202) 453–7513 or by email at *Rene.Tiongquico@ed.gov.* For further information related to FFEL Program loans, contact Brian Smith at (202) 987–0385 or by email at *Brian.Smith@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:

Executive Summary

Since 1980, the total cost to receive a four-year postsecondary credential has nearly tripled, even after accounting for inflation.[1] Pell Grants once covered nearly 80 percent of the cost of a four-year public college degree for students from low- and middle-income families, but now they only cover a third of those costs.[2] This price growth has dramatically increased the need for students to secure student loans, particularly Federal student loans from the Department, to cover their educational costs. The gap between prices and income means that many students from low- and middle-income families have to borrow Federal student loans in addition to grants and out-of-pocket spending so they can earn a postsecondary credential. These trends have resulted in cumulative Federal loan debt of $1.6 trillion and rising for more than 43 million borrowers, which has placed a significant financial burden upon middle-income borrowers and has had an even more devastating impact on vulnerable low-income borrowers.[3]

After convening the Student Loan Debt Relief negotiated rulemaking committee (Committee) and reaching consensus on various issues discussed in this NPRM, the Department proposes regulations, in accordance with the Secretary's authority to waive repayment of a loan provided by section 432(a) of the HEA, to provide debt relief targeted to address certain specific circumstances as part of a

[1] Trends in College Pricing 2023: Data in Excel. Table CP–2. Available at *https://research.collegeboard.org/trends/college-pricing.*

[2] *https://www.cbpp.org/research/pell-grants-a-key-tool-for-expanding-college-access-and-economic-opportunity-need.*

[3] *https://studentaid.gov/data-center/student/portfolio; https://www.census.gov/library/stories/2021/08/student-debt-weighed-heavily-on-millions-even-before-pandemic.html; https://www.philadelphiafed.org/-/media/frbp/assets/consumer-finance/reports/cfi-sl-1-payments-resumption.pdf; https://www.aarp.org/money/credit-loans-debt/info-2021/student-debt-crisis-for-older-americans.html; https://www.stlouisfed.org/publications/economic-equity-insights/gender-racial-disparities-student-loan-debt.*

comprehensive effort to address the burden of Federal student loan debt. The proposed regulations would modify the Department's existing debt collection regulations to provide greater specificity regarding the Secretary's discretion to waive Federal student loan debt and specify the Secretary's authority to waive all or part of any debts owed to the Department based on a number of different circumstances, such as growth in a borrower's loan balance beyond what was owed upon entering repayment, the amount of time since the loan first entered repayment, whether the borrower meets certain criteria for loan forgiveness or discharge under existing authority, and whether a loan was obtained to attend an institution or program that was subject to secretarial actions, that closed prior to secretarial actions, or was associated with closed Gainful Employment programs with high debt-to-earnings rates or low median earnings.

Summary of Select Provisions of This Regulatory Action

The Department proposes to amend subparts A, C, E, and F of 34 CFR part 30 and to add a new subpart G. The Department also proposes to amend part 682 by adding a new § 682.403.

These proposed regulations, in accordance with the HEA, would specify the Secretary's discretionary authority to waive repayment of the following amounts:

- The full amount by which the current outstanding balance on a loan exceeds the amount owed when the loan entered repayment for loans being repaid on any Income-Driven Repayment (IDR) plan if the borrower's income is at or below $120,000 if the borrower's filing status is single or married filing separately, $180,000 if a borrower files as head of household, or $240,000 if the borrower is married and files a joint Federal tax return or the borrower files as a qualifying surviving spouse (§ 30.81).
- Up to $20,000 or the amount by which the current outstanding balance on a borrower's loan exceeds the balance owed upon entering repayment (§ 30.82).
- The outstanding balance of a loan taken out to pay for the borrower's undergraduate education, or a Federal Consolidation Loan or a Direct Consolidation Loan that only repaid loans received for a borrower's undergraduate education, that first entered repayment on or before July 1, 2005 (§ 30.83).
- The outstanding balance of loans that first entered repayment on or before July 1, 2000, if the borrower has any loans obtained for study other than undergraduate study (§ 30.83).
- The outstanding balance of a loan for borrowers who would be otherwise eligible for forgiveness under an IDR plan or an alternative repayment plan but who are not currently enrolled in such a plan (§ 30.84).
- The outstanding balance of a loan for borrowers determined to be otherwise eligible for loan discharge, cancellation, or forgiveness, but who did not successfully apply (§ 30.85).
- The outstanding balance of a loan obtained to pay the cost of attending an institution or program where the Secretary or other authorized Department official has issued a final decision, denial of recertification, or determination that terminates or otherwise ends the institution's or program's title IV eligibility due at least in part to the institution's or program's failure to meet required accountability standards based on student outcomes or to its failure to provide sufficient financial value to students (§ 30.86).
- The outstanding balance of a loan obtained to pay the cost of attending an institution or program that closed and the Secretary or other Department official has determined the institution or program failed, for at least one year, to meet an accountability standard based on student outcomes, or failed to deliver sufficient financial value to students and there was a pending program review, investigation, or other Department action at the time of closure (§ 30.87).
- The outstanding balance of a loan that is associated with enrollment in a Gainful Employment (GE) program that has closed and prior to closure had high debt-to-earnings rates or low median earnings rates (§ 30.88).
- In the case of FFEL Program loans held by a private loan holder or a guaranty agency, the outstanding balance of a FFEL Program loan when a loan first entered into repayment on or before July 1, 2000; when the borrower is otherwise eligible for, but has not successfully applied for, a closed school discharge; or when the borrower attended an institution that lost its title IV eligibility due to a high cohort default rate (CDR), if the borrower was included in the cohort whose debt was used to calculate the CDR or rates that were the basis for the institution's loss of eligibility (§ 682.403).

Costs and Benefits: As further detailed in the Regulatory Impact Analysis (RIA), the proposed regulations would specify the Secretary's authority to grant waivers that would have significant effects on borrowers, the Department, and taxpayers. For borrowers for whom the Secretary chooses to exercise his authority, the draft rules would provide significant benefits by waiving all or a portion of their repayment obligations. In cases where the Secretary decides to waive the entire outstanding balance of a loan, borrowers receiving such waivers would benefit from no longer having to repay their debt and no longer being at risk of delinquency or default. The debts that could be waived in their entirety under this proposed NPRM have the following characteristics: they are generally older; otherwise eligible for forgiveness, but the borrower has not currently enrolled in or successfully applied to receive relief; or were taken out to attend programs or institutions that failed to provide sufficient financial value as indicated by certain outcomes and conditions. Borrowers who may receive a waiver of some of their loan balances would benefit by seeing their total outstanding balance reduced, which would help with their ability to repay their loans in full in a reasonable period of time.

The Department would also benefit if the Secretary chose to exercise his discretion to issue waivers proposed in these draft rules. These benefits would largely come from no longer incurring costs to service or collect on loans that are unlikely to be otherwise repaid in full in a reasonable period.

The costs in this rule would largely come from the transfers between the Department and borrowers that would occur if the Secretary chose to use his discretion to issue waivers. There would also be some administrative costs borne by the Department to implement the proposed regulations. As detailed in Table 4.1 of the RIA, the net budget impacts across all loan cohorts through 2034 for each of the proposed changes are estimated to be as follows:

- $13.8 billion for the provision related to time since the loan first entered repayment (§ 30.83).
- $8.6 billion for the provision related to borrowers who are eligible for forgiveness based upon a repayment plan (§ 30.84).
- $15 million for the provision related to borrowers who took out loans during cohorts that caused a school to lose access to aid due to high cohort default rates (CDRs) as described in § 30.86.
- $7.6 billion for the provision related to borrowers who are eligible for a closed school loan discharge but have not successfully applied (§ 30.85).
- $27.2 billion for the provision related to borrowers who attended a gainful employment program that lost access to aid or closed (§§ 30.86 through 30.88).

• $11.0 billion for the provision related to borrowers whose current balance exceeds the amount owed upon entering repayment and are on IDR plan with income below certain thresholds (§ 30.81).

• $62.1 billion for the provision related to borrowers whose current balance exceeds the amount owed upon entering repayment (§ 30.82).

• $17.1 billion for the provisions related to borrowers with commercial FFEL loans that first entered repayment 25 years ago; who are eligible for a closed school discharge but have not applied; or who received loans to attend a school that lost access to aid due to high CDRs (682.403).

Invitation to Comment: We invite you to submit comments regarding these proposed regulations. For your comments to have maximum effect in developing the final regulations, we urge you to clearly identify the specific section or sections of the proposed regulations that each of your comments addresses and to arrange your comments in the same order as the proposed regulations. The Department will not accept comments submitted after the comment period closes. Please submit your comments only once so that we do not receive duplicate copies.

The following tips are meant to help you prepare your comments and provide a basis for the Department to respond to issues raised in your comments in the notice of final regulations (NFR):

• Be concise but support your claims.

• Explain your views as clearly as possible and avoid using profanity.

• Refer to specific sections and subsections of the proposed regulations throughout your comments, particularly in any headings that are used to organize your submission.

• Explain why you agree or disagree with the proposed regulatory text and support these reasons with data-driven evidence, including the depth and breadth of your personal or professional experiences.

• Where you disagree with the proposed regulatory text, suggest alternatives, including regulatory language, and your rationale for the alternative suggestion.

• Do not include personally identifiable information (PII) such as Social Security numbers or loan account numbers for yourself or for others in your submission. Should you include any PII in your comment, such information may be posted publicly.

• Do not include any information that directly identifies or could identify other individuals or that permits readers to identify other individuals. Your comment may not be posted publicly if it includes PII about other individuals.

Mass Writing Campaigns: In instances where individual submissions appear to be duplicates or near duplicates of comments prepared as part of a writing campaign, the Department will post one representative sample comment along with the total comment count for that campaign to *Regulations.gov.* The Department will consider these comments along with all other comments received.

In instances where individual submissions are bundled together (submitted as a single document or packaged together), the Department will post all of the substantive comments included in the submissions along with the total comment count for that document or package to *Regulations.gov.* A well-supported comment is often more informative to the agency than multiple form letters.

Public Comments: The Department invites you to submit comments on all aspects of the proposed regulatory language specified in this NPRM in §§ 30.1, 30.9, 30.20, 30.23, 30.25, 30.27, 30.29, 30.30, 30.33, 30.62, 30.70, 30.80–30.89, and 682.403, the Regulatory Impact Analysis, and Paperwork Reduction Act sections.

The Department may, at its discretion, decide not to post or to withdraw certain comments and other materials that are computer-generated. Comments containing the promotion of commercial services or products and spam will be removed.

We may not address comments outside of the scope of these proposed regulations in the NFR. Generally, comments that are outside of the scope of these proposed regulations are comments that do not discuss the content or impact of the proposed regulations or the Department's evidence or reasons for the proposed regulations, which includes any comments related to the Department's negotiated rulemaking for borrowers experiencing hardship.

Comments that are submitted after the comment period closes will not be posted to *Regulations.gov* or addressed in the NFR.

Comments containing personal threats will not be posted to *Regulations.gov* and may be referred to the appropriate authorities.

We invite you to assist us in complying with the specific requirements of Executive Orders 12866, 13563, 14094 and their overall requirement of reducing regulatory burden that might result from these proposed regulations. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the Department's programs and activities.

During and after the comment period, you may inspect public comments about these proposed regulations by accessing *Regulations.gov.*

Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record: On request, we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for these proposed regulations. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the Information Technology Accessibility Program Help Desk at *ITAPSupport@ed.gov* to help facilitate.

Background

Section 432(a) of the HEA describes the legal powers and responsibilities of the Secretary of Education that are relevant to this rulemaking. In particular, section 432(a)(6) provides that, ''in the performance of, and with respect to, the functions, powers and duties, vested in him by this part, the Secretary may enforce, pay, compromise, waive, or release any right, title, claim, lien, or demand, however acquired, including any equity or any right of redemption.'' These provisions apply to the FFEL, Direct Loan [4] and HEAL programs.[5]

The Department's statutory waiver authority dates back to the enactment of

[4] Section 432(a)(6) is in, and explicitly applies to, Part B, which establishes the FFEL program. In creating the Direct Loan program, Congress established parity between the FFEL and Direct Loan program, providing that Federal Direct Loans ''have the same terms, conditions, and benefits as loans made to borrowers'' under the FFEL program. 20 U.S.C. 1087a(b)(2). *See Sweet* v. *Cardona,* 641 F.Supp.3d 814, 823–825 (ND Cal., 2022); *Weingarten* v. *DOE,* 468 F.Supp.3d 322, 328 (D.D.C. 2020); *McCain* v. *US,* 2011 WL 2469828 (Ct.Cl. 2011). The legislative history of the Direct Loan program shows that 20 U.S.C. 1087a(b)(2) is broadly read to apply the provisions of the FFEL statutory provisions to Direct Loan except as provided by statute or inconsistent with the different structure of the Direct Loan program. For example, the Direct Loan program provides total and permanent disability discharges, closed school loan discharges and forbearances to borrowers although none of those are mentioned in the Direct Loan statutory provisions.

[5] When transferring the HEAL loan program to the Department, Congress explicitly stated that the Secretary's powers with respect to collecting FFEL loans extend to HEAL loans. See Division H, title V, section 525(d) of the Consolidated Appropriations Act, 2014 (Pub. L. 113–76) (Consolidated Appropriations Act, 2014). The Secretary's waiver authority under section 432(a)(6) of the HEA extends to HEAL loans.

the Higher Education Act in 1965.[6] The Department has historically viewed its waiver authority as permitting the Secretary to waive the Department's right to require repayment of a debt[7] when doing so advances the goals of the title IV programs and functions, while also aligning with the HEA's overall statutory parameters and principles. Having such bounded flexibility is critical for the Department's administration of the comprehensive and complex student loan programs wherein there are unforeseen challenges that arise and, absent waiver, such challenges could interfere with the Secretary's ability to effectively and efficiently administer the title IV programs.

The Department's waiver authority operates within the context of the HEA's goals and also the principles that govern waiver more broadly. Some agencies that exercise waiver authority consider whether collection of debts would be against equity and good conscience or the best interest of the United States, thereby implicating general principles of government debt collection. Agencies have also articulated numerous factors that may weigh in favor of waiving an individual's debt, including when collection would defeat the purpose of the benefit program or impose financial hardship, among other considerations.

On June 30, 2023, the Department announced that it would conduct a negotiated rulemaking process to specify the Secretary's use of the authority to waive loan debts under section 432(a) of the HEA. This NPRM reflects regulations discussed during that process and would allow the Secretary to address significant challenges identified with student loan repayment that implicate considerations of equity and fairness, as well as a borrower's inability to repay their loans in full within a reasonable period or circumstances where the costs of enforcing the debt exceed the expected benefits of continued collection. In particular, this NPRM focuses on issues related to circumstances—

- When borrowers' balances have grown beyond what they originally owed at the start of repayment.
- When loans first entered repayment at least two decades ago.
- When a borrower is eligible for forgiveness or a discharge opportunity but has not successfully applied for such relief or enrolled in the repayment plan that would provide that forgiveness or discharge opportunity.
- When a borrower received loans for attendance in a program or at an institution that has since lost access to Federal aid because it failed to meet required student outcomes standards, was subject to an action by the Secretary due to failing to provide sufficient financial value or closed after failing required student outcomes metrics or the initiation of a Secretarial action process.

These proposed provisions account for particular challenges facing individual borrowers, while also recognizing that many borrowers are similarly situated in experiencing such circumstances. The Department has a longstanding view and practice of providing appropriate relief when it identifies specific circumstances that warrant relief and those circumstances affect multiple borrowers. Such relief, on an automated or individual basis, is appropriate when such individuals' circumstances share the features relevant for determining relief. This approach comports with the HEA's statutory requirements and can also help to improve administrative efficiency and provide consistency across borrowers.

Public Participation

On July 6, 2023, the Department published a notice in the **Federal Register** (88 FR 43069) announcing our intent to establish a negotiated rulemaking committee to prepare proposed regulations pertaining to the Secretary's authority under section 432(a) of the HEA, which relates to the modification, waiver, or compromise of loans.

On July 18, 2023, the Department held a virtual public hearing at which individuals and representatives of interested organizations provided advice and recommendations relating to the topic of proposed regulations on the modification, waiver, or compromise of loans. The Department has significantly engaged the public in developing this NPRM, including through review of oral comments made by the public during the public hearing and written comments submitted between July 6, 2023, and July 20, 2023. You may view the written comments submitted in response to the July 6, 2023, **Federal Register** notice on the Federal eRulemaking Portal at *Regulations.gov,* within docket ID ED–2023–OPE–0123. Instructions for finding comments are also available on the site under ''FAQ.'' Transcripts of the public hearings may be accessed at *https://www2.ed.gov/policy/highered/reg/hearulemaking/2023/index.html.*

The Department also held three negotiated rulemaking sessions of two days each. During each daily negotiated rulemaking session, we provided an opportunity for public comment and expanded that time to one hour for the second and third sessions. The Department held a fourth two-day session in February 2024 to discuss the separate issue of possible hardship criteria for discharge and the public had an opportunity to comment on the first day of that session. Additionally, non-Federal negotiators shared feedback from their stakeholders with the negotiating committee.

Negotiated Rulemaking

Section 492 of the HEA, 20 U.S.C. 1098a, requires the Secretary to obtain public involvement in the development of proposed regulations affecting programs authorized by title IV of the HEA. After obtaining extensive input and recommendations from the public, including individuals and representatives of groups involved in the title IV, HEA programs, the Secretary, in most cases, must engage in the negotiated rulemaking process before publishing proposed regulations in the **Federal Register**. If negotiators reach consensus on the proposed regulations, the Department agrees to publish without substantive alteration a defined group of regulations on which the negotiators reached consensus—unless the Secretary reopens the process or provides a written explanation to the participants stating why the Secretary has decided to depart from the agreement reached during negotiations. Further information on the negotiated rulemaking process can be found at: *https://www2.ed.gov/policy/highered/reg/hearulemaking/2023/index.html.*

On August 31, 2023, the Department published a notice in the **Federal Register**[8] announcing its intention to establish the Committee to prepare proposed regulations for the title IV, HEA programs. The notice set forth a schedule for Committee meetings and requested nominations for individual negotiators to serve on the negotiating committee. In the notice, we announced the topics that the Committee would address.

The Committee included the following members, representing their respective constituencies:

- *Civil Rights Organizations:* Wisdom Cole, NAACP, and India Heckstall (alternate), Center for Law and Social Policy.

[6] *See* Public Law 89–29, 79 Stat. 1246 (Nov. 8, 1965).

[7] Waiving the Department's right to repayment of all or part of a debt correspondingly releases the borrower of further liability on account of all or part of that debt.

[8] 88 FR 60163 (August 31, 2023).

• *Legal Assistance Organizations that Represent Students or Borrowers:* Kyra Taylor, National Consumer Law Center, and Scott Waterman (alternate), Student Loan Committee of the National Association of Chapter 13 Trustees.

• *State Officials, including State higher education executive officers, State authorizing agencies, and State regulators of institutions of higher education:* Lane Thompson, Oregon DCBS—Division of Financial Regulation, and Amber Gallup (alternate), New Mexico Higher Education Department.

• *State Attorneys General:* Yael Shavit, Office of the Massachusetts Attorney General, and Josh Divine (alternate), Missouri Attorney General's Office who withdrew from the committee during the third session.

• *Public Institutions of Higher Education, Including Two-Year and Four-Year Institutions:* Melissa Kunes, The Pennsylvania State University, and J.D. LaRock (alternate), North Shore Community College.

• *Private Nonprofit Institutions of Higher Education:* Angelika Williams, University of San Francisco, and Susan Teerink (alternate), Marquette University.

• *Proprietary Institutions:* Kathleen Dwyer, Galen College of Nursing, and Belen Gonzalez (alternate), Mech-Tech College.

• *Historically Black Colleges and Universities, Tribal Colleges and Universities, and Minority Serving Institutions (institutions of higher education eligible to receive Federal assistance under title III, parts A and F, and title V of the HEA):* Sandra Boham, Salish Kootenai College, and Carol Peterson (alternate), Langston University.

• *Federal Family Education Loan (FFEL) Lenders, Servicers, or Guaranty Agencies:* Scott Buchanan, Student Loan Servicing Alliance, and Benjamin Lee (alternate), Ascendium Education Solutions, Inc.

• *Student Loan Borrowers Who Attended Programs of Two Years or Less:* Ashley Pizzuti, San Joaquin Delta College, and David Ramirez (alternate), Pasadena City College.

• *Student Loan Borrowers Who Attended Four-Year Programs:* Sherrie Gammage, The University of New Orleans, and Sarah Christa Butts (alternate), University of Maryland.

• *Student Loan Borrowers Who Attended Graduate Programs:* Richard Haase, State University of New York at Stony Brook, and Dr. Jalil Bishop (alternate), University of California, Los Angeles.

• *Currently Enrolled Postsecondary Education Students:* Jada Sanford, Stephen F. Austin University, and Jordan Nellums (alternate), University of Texas.

• *Consumer Advocacy Organizations:* Jessica Ranucci, New York Legal Assistance Group, and Ed Boltz (alternate), Law Offices of John T. Orcutt, P.C.

• *Individuals with Disabilities or Organizations Representing Them:* John Whitelaw, Community Legal Aid Society Inc., and Waukecha Wilkerson (alternate), Sacramento State University.

• *U.S. Military Service Members, Veterans, or Groups Representing Them:* Vincent Andrews, Veteran. Originally the alternate, Mr. Andrews became the primary negotiator for this constituency group after Michael Jones withdrew from the Committee.

• *Federal Negotiator:* Tamy Abernathy, U.S. Department of Education.

At its first meeting, the Committee reached agreement on its protocols and proposed agenda. The protocols provided, among other things, that the Committee would operate by consensus. The protocols defined consensus as no dissent by any negotiator of the Committee for the committee to be considered to have reached agreement and noted that consensus votes would be taken on each separate part of the proposed rules.

The Committee reviewed and discussed the Department's drafts of regulatory language and alternative language and suggestions proposed by negotiators.

At its third meeting in December 2023, the Committee reached consensus on proposed regulations addressing the Secretary's authority to waive loan debts—when a loan is eligible for forgiveness based upon repayment plan but the borrower is not currently enrolled in such plan; based upon Secretarial actions; following a closure prior to Secretarial actions; or obtained for attendance in closed GE programs with high debt-to-earnings rates or low median earnings. In addition, the Committee reached consensus on two provisions for waivers that would apply only to FFEL Program loans held by a loan holder or guaranty agency: Those based on a determination that a borrower has not successfully applied for a closed school discharge but otherwise meets the eligibility requirements for such a discharge, and cases where a borrower received a loan for attendance at an institution that lost title IV eligibility due to high CDRs.

This NPRM includes proposed regulations on these consensus items, identified in the summary of proposed regulations section, as well as the remaining items on the Committee's agenda, summarized generally above. The Department convened a fourth session of the negotiating committee on February 22 and 23, 2024, focused on discussing proposed regulations related to possible waivers for borrowers facing hardship. Proposed regulations for waivers for hardship are not included in this NPRM.

For more information on the negotiated rulemaking sessions, including the work of the Subcommittee, please visit: *https://www2.ed.gov/policy/highered/reg/hearulemaking/2023/index.html.*

Summary of Proposed Changes

These proposed regulations would—

• Modify §§ 30.70(a)(1) and 30.70(c)(1) to specify that, when compromising a debt or when terminating or suspending collection of a debt, the Secretary may use the Federal Claims Collection Standards (FCCS).

• Add § 30.80 specifying the Secretary's authority to waive all or part of any debts owed to the Department, including, but not limited to, waivers under §§ 30.81 through 30.88.

• Add § 30.81 specifying the Secretary's authority to provide a one-time waiver of the amount by which the borrower's current loan has an outstanding principal balance exceeding the amount owed when the loan first entered repayment if they are enrolled in an IDR plan and their income is less than or equal to $120,000 if the borrower's filing status is single or married filing separately; $180,000 if the borrower's filing status is head of household; or $240,000 if their tax filing status is married filing jointly or qualifying surviving spouse.

• Add § 30.82 specifying the Secretary's authority to provide a one-time waiver of the lesser of $20,000 or the amount by which a borrower's current loan balance exceeds the balance owed when the borrower entered repayment.

• Add § 30.83 specifying the Secretary's authority to waive the outstanding balance when a borrower who only has student loans for the borrower's undergraduate studies first entered repayment on or before July 1, 2005 (20 years) or on or before July 1, 2000 (25 years) when a borrower has student loans other than loans for the borrower's undergraduate studies.

• Add § 30.84 specifying the Secretary's authority to waive the outstanding balance of a loan when a borrower is not currently enrolled in an

IDR plan, but otherwise meets the criteria for forgiveness under an IDR plan.

- Add § 30.85 specifying the Secretary's authority to waive the outstanding balance of a loan when a borrower has not applied for, or not successfully applied for, any loan discharge, cancellation, or forgiveness opportunity under parts 682 or 685, but otherwise meets the eligibility criteria for discharge, cancellation, or forgiveness.
- Add § 30.86 specifying the Secretary's authority to waive the outstanding balance of a loan obtained to attend an institution or program where the Secretary or other authorized Department official has issued a final decision, denial of recertification, or determination that terminates or otherwise ends its title IV eligibility due at least in part to the institution's or program's failure to meet required accountability standards based on student outcomes or to its failure to provide sufficient financial value to students.
- Add § 30.87 specifying the Secretary's authority to waive the outstanding balance of a loan obtained to attend a program or an institution that closed and the Secretary has determined the institution or program has not met for at least one year an accountability standard based on student outcomes; or failed to provide sufficient financial value to students and was subject to a program review, investigation, or any other Department action that remained unresolved at the time of closure.
- Add § 30.88 specifying the Secretary's authority to waive the outstanding balance of a loan received by a borrower associated with enrollment in a GE program that has closed and prior to closure either had a high debt-to-earning rate or low median earnings, or was at a GE program where the Department did not produce debt-to-earnings and earnings premium measures but the institution closed and prior to the closure received a majority of funds from programs with high debt-to-earnings or low median earnings.
- Add § 682.403(a) outlining the procedures under which the Secretary determines that a FFEL Program loan held by a lender or guaranty agency qualifies for a waiver, the waiver claim is processed, and the Secretary grants the waiver.
- Add § 682.403(b)(1) specifying the Secretary's authority to waive the outstanding balance of a FFEL Program loan if the loan first entered repayment in 2000 or earlier.
- Add § 682.403(b)(2) specifying the Secretary's authority to waive the outstanding balance of a FFEL Program loan if the borrower has not applied for, or not successfully applied for, but otherwise meets the eligibility requirements for a closed school discharge.
- Add § 682.403(b)(3) specifying the Secretary's authority to waive the outstanding balance of a FFEL Program loan if the loan was received for attendance at an institution that lost its eligibility to participate in a title IV, HEA program because of its high CDRs.
- Add §§ 682.403(c), 682.403(d), and 682.403(e) describing the waiver claim filing process for a lender, guaranty agency, and the Department.
- Add § 682.403(f) specifying that if the conditions for a waiver are met but the loan has been repaid by a Federal Consolidation Loan that has an outstanding balance, the Secretary may waive the portion of the outstanding balance of the consolidation loan attributable to such a loan once the loan has been assigned to the Secretary.
- Make conforming changes to §§ 30.1(c), 30.62(a), and 30.70(e)(1) based on revisions to the sections noted above.

Significant Proposed Regulations

We discuss substantive issues under the sections of the proposed regulations to which they pertain. Generally, we do not address proposed regulatory provisions that are technical or otherwise minor in effect. For each section of the regulations discussed, we include the statutory citation, the current regulations being revised (if applicable), the new proposed regulatory text, and the reasons for why we proposed to add new regulatory text or revise the existing regulatory text.

34 Part 30—Debt Collection

Subparts A, C, E, and F (§§ 30.1(c), 30.62(a), 30.70(a)(1), 30.70(c)(1) and 30.70(e)(1))

Statute: Section 432(a) of the HEA (20 U.S.C. 1082(a)) provides that in the performance of, and with respect to, the functions, powers, and duties, vested in him by this part, the Secretary may enforce, pay, compromise, waive, or release any right, title, claim, lien, or demand, however acquired, including any equity or any right of redemption.

Current Regulations: Section 30.1(c) contains the procedures that the Secretary may use in collecting on a debt owed to the United States.

Section 30.62(a) provides that for a debt based on a loan, the Secretary may refrain from collecting interest or charging administrative costs or penalties to the extent that compromise of these amounts is appropriate under the standards for compromise of a debt contained in 31 CFR part 902, which were formerly contained in 4 CFR part 103.

Sections 30.70(a)(1) and 30.70(c)(1) specify that the Secretary uses the standards in the FCCS to determine whether compromise of a debt, or suspension or termination of a debt, is appropriate.

Section 30.70(e)(1) provides that the Secretary may compromise a debt in any amount or suspend or terminate collection of a debt in any amount, if the debt arises under the FFEL Program authorized under title IV, part B, of the HEA, the Direct Loan Program authorized under title IV, part D of the HEA, or the Perkins Loan Program authorized under title IV, part E, of the HEA.

Proposed Regulations: These proposed regulations would identify certain conditions under which the Secretary may waive debt, identify the loan programs eligible for such waivers, clarify the existing compromise provisions, correct outdated references, and remove obsolete references. These regulations do not alter the scope of the Secretary's authority under Section 432(a) of the HEA. Relatedly, the non-exhaustive waiver provisions neither limit the Secretary's discretion to waive debt in other circumstances permitted under Section 432(a) nor do they require the Secretary to undergo rulemaking before taking any action authorized under Section 432(a). Nevertheless, by providing greater clarity regarding the Secretary's waiver authority, these regulations are beneficial to inform the public about how the Secretary may exercise waiver in a consistent manner to provide appropriate relief to borrowers in accordance with the provisions and purposes of the HEA.

Proposed § 30.1(c)(7) would provide that the Secretary may waive repayment of a debt under subpart G of 34 CFR part 30. Proposed § 30.62(a) would add to the current compromise provisions language that would allow the Secretary to waive the collection of interest or charging administrative costs or penalties on a loan in accordance with § 30.80. Proposed §§ 30.70(a)(1) and 30.70(c)(1) would specify that, when compromising a debt or when suspending or terminating a debt, the Secretary "may" use the FCCS. Proposed § 30.70(e)(1) would add HEAL Program loans to the list of loan types for which the Secretary may compromise a debt or suspend or terminate collection of a debt.

Technical corrections updating and clarifying various references and provisions contained in subparts A, C, E, and F of part 30 would also be made. In addition, severability provisions would be added to these subparts as new §§ 30.9, 30.39, 30.69, and 30.79. The severability provisions would specify that if any provision of a part is held to be invalid, the remaining provisions would not be affected.

Reasons: The current regulations in part 30 describe the policies and procedures that the Secretary uses to collect on a debt owed to the Department. The Department is proposing a new subpart G to part 30 which would provide greater specificity regarding the Secretary's discretion to waive Federal student loan debt. This greater specificity will allow the Department to take more transparent steps that help to consistently alleviate the significant financial burden Federal student loans have become for struggling or vulnerable borrowers by waiving some or all of their outstanding loan balances. Such waivers would either reduce monthly payments, total amounts owed, or both. The proposed new language in subpart G would require conforming changes to some of the existing regulatory language in part 30.

The proposed revision to § 30.1(c)(7) is necessary to provide a cross-reference to proposed subpart G and the proposed revision to § 30.62(a) is necessary to provide a cross-reference to proposed § 30.80.

In 2016, the Department revised § 30.70 to reflect a series of statutory changes that expanded the Secretary's authority to compromise, or suspend or terminate the collection of, debts.[9] In particular, the Department wanted to highlight the ability of the agency to resolve debts of less than $100,000 without needing to obtain approval from the U.S. Department of Justice (DOJ) and to include the ability of DOJ to seek review of resolving claims of more than $1 million. But the inclusion of this provision has created questions around whether the Department's compromise, suspension, and termination authority is strictly bound by FCCS standards. The Department's view is that it is not. To begin, The Federal Claims Collection Act (FCCA) and the FCCS regulations do not, by their own terms, apply to the Department's student loan programs.[10] In addition, the Department's own regulations also do not strictly bind the Secretary to the FCCS. The history of revisions to 34 CFR 30.70 reflects that it has been revised over time to reflect new requirements and authorities but has consistently recognized the Secretary's broad authority to compromise student loan debts ''in any amount.'' Reading § 30.70 as subjecting the Secretary's authority to the FCCS requirements would be contrary to the stated purpose of the 2016 amendments, which were intended to ''reflect a series of statutory changes that have *expanded* the Secretary's authority to compromise, or suspend or terminate the collection of, debts'' (emphasis added).[11] The proposed changes to §§ 30.70(a)(1) and 30.70(c)(1) would clarify that the Secretary's compromise, termination, and suspension authority remain broad and are not restricted by the FCCA and FCCS.

The addition of HEAL Program loans to § 30.70(e)(1) would clarify that the Secretary has the same authority to compromise, suspend, or terminate a HEAL loan debt as in the Direct Loan, FFEL, and Perkins loan programs. The negotiating committee agreed to add HEAL Program loans to § 30.70(e)(1) and raised no specific objections to the proposed conforming changes or technical corrections. Although there were no specific objections to the proposed revisions to the regulations in subparts A, C, E, and F of part 30, the Committee did not reach consensus on these proposed changes.

The severability provisions we propose to add as new §§ 30.9, 30.39, 30.69, 30.79, and 30.89 are intended to clarify that each regulatory provision in these subparts stands on its own. For the severability sections in subparts A through F of part 30, these additions reflect that the subcomponents of each section, as well as the sections themselves, are distinct. For instance, subpart C lays out the provisions related to administrative offset. The process in § 30.21 that addresses when the Secretary may offset a debt and the provisions regarding borrower notice in § 30.22 are separate, and those, in turn, are separate from the provisions in § 30.25 related to how an oral hearing may occur.

The severability provision in § 30.89 reflects that the different waivers proposed in subpart G each address a different set of circumstances in which the Department is concerned that borrowers may not be able to repay their loans within a reasonable period. This severability language also acknowledges that each of these proposed waivers have their own distinct rationale for their inclusion, and the effects would vary. For instance, some sections in subpart G would result in a complete waiver of a borrower's full remaining balance, while others would only result in a partial waiver. Moreover, as discussed elsewhere in this rule, there are also provisions within sections where if either element of this provision were invalidated by a reviewing court, the element that stayed in effect would continue to provide important relief to borrowers. This, for instance, can be seen in proposed §§ 30.81 and 30.82. Proposed § 682.403 is already covered by an existing severability provision in § 682.424.

These provisions were not subject to a consensus check on the part of the negotiators, although none of the negotiators raised objections to adding these provisions.

Subpart G

§ 30.80 Waiver of Federal Student Loan debts.

Statute: Section 432(a) of the HEA (20 U.S.C. 1082(a)) provides that in the performance of, and with respect to, the functions, powers, and duties, vested in him by this part, the Secretary may enforce, pay, compromise, waive, or release any right, title, claim, lien, or demand, however acquired, including any equity or any right of redemption.

Current Regulations: None.

Proposed Regulations: Proposed § 30.80 would specify the Secretary's authority to waive all or part of any Department-held FFEL Program loan, William D. Ford Federal Direct Loan, Federal Perkins Loan, and HEAL Loan debts owed to the Department under the conditions included in, but not limited to, §§ 30.81 through 30.88.

Reasons: Proposed new subpart G to part 30, which includes sections §§ 30.80–30.89, would provide greater specificity regarding the Secretary's discretion to waive Federal student loan debt to alleviate the significant financial burden of student loans on borrowers and their families. The regulations in part 30 pertain to debts owed to the Department, therefore proposed § 30.80

[9] See 81 FR 39330 (June 16, 2016); 81 FR 75926 (November 1, 2016).

[10] When the FCCA was enacted in 1966, it stated that ''[n]othing in this Act shall increase or diminish the existing authority of the head of an agency to litigate claims, or diminish his existing authority to settle, compromise, or close claims.'' Federal Claims Collection Act of 1966, Public Law 89–508, 4, 80 Stat. 308 (1966). And the FCCS specifically provides that it does not ''preclude [ ] agency disposition of any claim under statutes and implementing regulations other than [the FCCA],'' and that ''[i]n such cases, the laws and regulations that are specifically applicable to claims collection activities of a particular agency generally take precedence.'' 31 CFR 900.4. The FCCA and FCCS do not, on their own terms, limit the Secretary's authority because the HEA endows the Secretary with separate and independent authority to compromise a debt, or suspend or terminate collection of a debt. *See* § 1082(a).

[11] 81 FR 39369 (June 16, 2016).

would only apply to student loans held by the Department. This includes FFEL Program loans that have been assigned to the Department, as well as Perkins loans and HEAL loans in default. It also includes consolidation loans that repaid a FFEL, Perkins, or HEAL loan. Waivers specific to FFEL Program loans held by private lenders or managed by guaranty agencies would be provided under proposed § 682.403 of the FFEL Program regulations. The proposed regulations for § 682.403 are discussed later in this NPRM.

Proposed § 30.80 provides an introduction to subpart G and explains the types of loans covered by this subpart. The Department proposes to include all the types of Federal student loans held by the Department, including Direct Loans, FFEL Loans, Perkins Loans, and HEAL Loans because we believe it is appropriate to consider waivers for all the loan types managed by the Secretary and organizationally consider similar subject matter under one subpart. As discussed in other sections, not all these provisions will apply equally to all loan types because there are certain benefits that are not otherwise available on all types of loans. For example, only Direct and FFEL Loans are eligible to be repaid under IDR plans.

The Department believes adding subpart G in these proposed regulations better clarifies some circumstances in which the Secretary may use his existing and longstanding authority under section 432(a) of the HEA. Current regulations do not describe how the Secretary uses this waiver authority. Clarifying how this authority would be used through these regulations would better inform the public about how the Secretary may exercise his waiver authority in a consistent and equitable manner.

Providing such specificity would also allow the Department to highlight circumstances where we are particularly concerned about borrowers' ability to successfully repay their debt in full in a reasonable period or where the costs of collection are anticipated to exceed the amount recoverable. Each of these proposed waivers are intended to address a variety of conditions that borrowers may encounter where a waiver may be appropriate. They can and would operate independently of each other.

The Committee reached consensus on proposed § 30.80.

§ 30.81 Waiver when the current balance exceeds the balance upon entering repayment for borrowers on an IDR plan.

Statute: Section 432(a) of the HEA (20 U.S.C. 1082(a)) provides that in the performance of, and with respect to, the functions, powers, and duties, vested in him by this part, the Secretary may enforce, pay, compromise, waive, or release any right, title, claim, lien, or demand, however acquired, including any equity or any right of redemption.

Current Regulations: None.

Proposed Regulations: Proposed § 30.81 would provide that the Secretary may waive the amount by which each of a borrower's loans has a total outstanding balance that exceeds the amount owed upon entering repayment if the borrower is enrolled in an IDR plan and meets certain additional criteria. The original balance would be measured based upon the original amount disbursed for loans disbursed before January 1, 2005, and the balance of the loans on the day after the grace period for loans disbursed on or after January 1, 2005. Waiver of repayment of consolidation loans would be based upon the original balances of the loans repaid by the consolidation loan.

A borrower would be eligible to receive this waiver once on their loans if they enrolled in an IDR plan under §§ 682.215, 685.209, or 685.221 as of a date determined by the Secretary; and the borrower's adjusted gross income, or other calculation of income as shown on acceptable documentation, demonstrates that the borrower's annual income is equal to or less than $120,000 if their tax filing status is single or married filing separately; $180,000 if their tax filing status is head of household; or $240,000 if they are married filing jointly or a qualifying surviving spouse.

Reasons: Over the past several years, the Department has taken several significant steps to address the negative effects of interest accrual and capitalization on borrowers. Effective July 1, 2023, the Department ceased capitalizing interest in all situations where it is not required by statute (87 FR 65904). This includes when a borrower enters repayment, exits a forbearance, leaves any IDR plan besides Income-Based Repayment (IBR), and enters default. In August 2023, the Department also implemented a provision in the SAVE plan regulations under which the Department does not charge any amount of accrued interest that is not otherwise covered by a borrower's required payment (88 FR 43820). These changes provide significant benefits that may help borrowers avoid situations where they find themselves struggling to repay their debts because their balance has grown far beyond what they originally borrowed.

The intent of the Department is to take action on a one-time basis on a borrower's loans to address excessive interest accrual on Federal student loans. The primary drivers of this accumulation are when borrowers make payments on an IDR plan that do not cover the full amount of accumulating interest; periods of non-payment, such as deferments, forbearances, delinquency, and default; and interest capitalization. Because prior to the establishment of the Saving on A Valuable Education (SAVE) Plan IDR plans were the only repayment plans where payments do not have to at least cover accumulating monthly interest, the Department is concerned that borrowers owe large balances that are higher than what they were at repayment entry from prior enrollment in IDR. Owing such large balances can result in borrowers needing to repay far more than would have been reasonably expected by the Department, and the borrower themselves, at the time that the borrower entered repayment. It can also significantly extend the amount of time a borrower needs to repay their loans in full. Prior to SAVE, interest balances climbed even though borrowers made monthly required payments on IDR plans. Echoing concerns and statements the Department heard in public comments prior to the formation of the negotiated rulemaking committee and during the public comment periods held on most days the negotiated rulemaking committee met, borrowers have reported that growing balances while in repayment can lead to negative psychological impacts on borrowers who are attempting to repay their debt but are unable to, including that they lose hope and motivation to repay their debt.[12]

Additionally, while the Department has eliminated all non-statutorily required instances of interest capitalization, borrowers today owe higher balances from previous instances of interest capitalization. Interest capitalization can significantly increase what a borrower owes and extend the time it takes to repay their loans. The Department is concerned that such instances are harmful to the borrower and should therefore be corrected retroactively by waiving the borrower's obligation to pay such interest accrual after a borrower has entered repayment.

[12] *https://www.pewtrusts.org/en/research-and-analysis/reports/2020/05/borrowers-discuss-the-challenges-of-student-loan-repayment; https://www.newamerica.org/education-policy/reports/in-default-and-left-behind/.*

While the Department has addressed the issue of balance growth for those in IDR going forward, there are borrowers who have spent time in repayment prior to the implementation of these changes who have experienced the balance of their loans grow such that their loan balances are now greater than what they originally borrowed. The persistence of those situations is a problem the Department seeks to address. Recent focus group reports and extensive borrower testimony have shown that growing loan balances lead to both financial and psychological challenges to successful repayment by borrowers.[13] While borrowers who experienced balance growth have a way to prevent balance growth in the future, they still must overcome the consequences of this past balance growth.

Because the Department has taken steps to address the problem of excess interest accrual and capitalization going forward, this provision would only be applied once per a borrower's loans to eliminate balance growth for all but the highest income borrowers enrolled in an IDR plan, allowing those who experienced this situation to successfully make progress on repaying their debts. Providing targeted relief in this manner would be consistent with the general principles of Federal debt collection, which permit agencies to provide relief to borrowers when there is evidence the agency would not otherwise be able to collect the debt in full within a reasonable time.[14]

The Department proposes to provide the benefits in § 30.81 only to borrowers enrolled in IDR plans for both operational and administrative reasons. First, borrowers in IDR plans have demonstrated their concern that they cannot repay their loans on the standard repayment timeline, making them an important group for the Department to consider for relief. Second, until the creation of the SAVE plan, borrowers on IDR plans frequently experienced balance growth from accruing interest, which this policy seeks to address. Specifically, the nature of the IDR plans' lower monthly payments meant borrowers' payments often did not cover monthly interest. Borrowers in the past who did not recertify their income could also be removed from an IDR plan at which point any unpaid interest would be capitalized. For both reasons, it is reasonable for the Department to focus its resources on providing relief to borrowers on IDR plans to address the current negative effects of prior interest accumulation and potentially capitalization. In addition, administrative considerations weigh in favor of limiting the policy to borrowers in IDR because the Department has data that will allow it to verify that borrowers fall below the income cap.

The Department proposes to limit this benefit to borrowers with income below certain levels to benefit only borrowers for whom their past instances of balance growth may have a greater possible negative effect on their ability to repay their debts in the future. The SAVE plan's interest benefit works in a similar manner. As a borrower's income rises, their payment covers a greater amount of accumulating monthly interest. Eventually, for any given debt level there is an income amount at which a borrower's payment will equal or exceed accumulating monthly interest. At that point, the borrower does not derive any assistance from the SAVE plan's interest benefit.

The Department proposes to limit the benefit in this section to borrowers whose incomes are at or below a certain threshold. To determine this threshold, the Department looked at the income level at which a borrower in a single-person household would have a calculated payment on the SAVE plan that is sufficient to pay off all the interest accumulating on a monthly basis if their debt level was equal to $138,000 which is the maximum amount of Federal loans a borrower can take out for undergraduate and graduate education without taking out any PLUS loans. We exclude amounts related to PLUS loans because they do not have an absolute dollar loan limit, as they can be obtained for up to the total cost of attendance, less other aid received.

Because of the lack of an absolute dollar loan limit, there are some borrowers who have debts that are much higher than the debt loads of the overwhelming majority of borrowers. We do not think it was reasonable to anchor to such outlier amounts, and we therefore take the conservative approach of not including these dollar amounts. However, typical balances for Parent PLUS and Graduate PLUS loans are well below the amounts contemplated here.[15] Using a value of $138,500 is inclusive of over 95 percent of loan balances in repayment. Furthermore, Parent PLUS borrowers are only eligible for an IDR plan if the borrower has repaid those Parent PLUS loans through consolidation.

We calculated income thresholds for waiver eligibility in the following way: First, we assumed that a borrower had a total balance equal to the maximum non-PLUS amount that a borrower can receive for undergraduate and graduate education, which is $138,500. We then assumed that a borrower received the maximum amount of loans for an undergraduate dependent student ($31,000) and the remainder for graduate school ($107,500). We did this calculation off a dependent undergraduate maximum because those are the more common types of student loan borrowers, and it allows undergraduate loans to make up a smaller share of the total amount borrowed. If the independent undergraduate limit were used, the SAVE payment amount would decrease due to the increased share of undergraduate loans. Using independent limits would produce an unfair income amount for dependent borrowers, while independent students are not harmed by using the dependent limit. In order to determine the interest rate to use for this analysis we assigned the unweighted average interest rate charged on undergraduate loans from the 2013–14 award year through the 2023–24 award year to the undergraduate loans and the equivalent graduate loan rate for the non-PLUS graduate loans. We used this period to generate an average interest rate because prior to 2013–14 there were different rates charged on subsidized versus unsubsidized loans. This produced averages of 4.3 percent for undergraduate loans and 5.87 percent for graduate loans. We then weighted these interest rates by the share of the balance owed for undergraduate and graduate school. This resulted in an interest rate of 5.52 percent. Next, we used the balance amount and the interest rate to calculate the amount of interest that would accumulate on $138,500 at a 5.52 percent interest rate in one month. That amount is $637.10.

We then calculated the income that a single person would need to earn to have a monthly payment on SAVE equal to $637.10. In doing this, we used the

[13] See 87 FR 41878 (July 13, 2022); 87 FR 65904 (November 1, 2022); 88 FR 43820 (July 10, 2023). See also *https://www.pewtrusts.org/en/research-and-analysis/reports/2020/05/borrowers-discuss-the-challenges-of-student-loan-repayment; https://www.newamerica.org/education-policy/reports/in-default-and-left-behind/.*

[14] *See* 31 U.S.C. 3711(a)(3). In addition, Congress permitted ED to compromise or collect debt pursuant to the standards articulated by ED's own debt collection regulations or Treasury's debt collection regulations, *see* 31 U.S.C. 3711(d), which similarly permit relief where there is evidence the agency would not collect the debt in full within a reasonable period of time. *See, e.g.,* 31 CFR 902.2(a)(2); 34 CFR 30.70(a)(1) (referencing 31 CFR part 902).

[15] For example, the average balance for a Parent PLUS loan recipient is almost $30,000 and the average balance for a Grad PLUS loan recipient is about $58,000. As of Q4, 2023, see Federal Student Aid Portfolio by Loan Type, available at: *https://studentaid.gov/data-center/student/portfolio.*

2024 Federal Poverty Guideline (FPL) amount of $15,060. Using those data, we calculated that a single person who owes the maximum non-PLUS amount would have to make more than $119,971 to cease receiving an interest benefit on SAVE. We then rounded that amount to the nearest $1,000, which yields a threshold of $120,000.

The Department proposes to use a threshold of $120,000 for borrowers whose tax filing status is single. We propose to adopt the same threshold for married-filing-separately taxpayers, mimicking many rules in the Internal Revenue Code that treat the two filing statuses similarly. For example, the basic standard deduction for single and married-filing-separate filers is the same. We propose to use $180,000 for a borrower whose filing status is head of household, which mimics the treatment under the Internal Revenue Code, in which the standard deduction is one-and-a-half times what is used for a single-person household (subject to rounding rules). We propose to use two times the amount for a single-person household—$240,000 for borrowers whose status is married filing jointly or qualifying surviving spouse. This too mirrors how the Internal Revenue Code handles the standard deduction for these filing statuses relative to someone whose filing status is single.

The Department acknowledges that this approach to establishing income thresholds for filing statuses besides single or married filing separately is different from how we calculate payments on IDR plans. For IDR plans, we adjust payments for larger households by using some multiplier of the Federal Poverty Guidelines based upon the size of the household. The result is that a two-person household does not have double the amount of income protected that a single-person household has. We think taking a different approach here is warranted for several reasons. The consideration under IDR plans is about ensuring borrowers have enough money set aside to cover their monthly key obligations, such as food and housing. Those items have economies of scale, which can be reflected in the household size adjustment. For instance, a two-person household may be sharing one bedroom, meaning the per-person household cost is not simply double that for a single person. By contrast, this waiver is an action that would occur once per borrower and is not focused on their monthly payment amount. Moreover, because this waiver is concerned with balance growth borrowers have experienced during their time since entering repayment, it is possible that some of this growth would have occurred before borrowers married, had children, or otherwise grew their household size. For instance, the median age at repayment entry for borrowers is about 25, while the typical age of first marriage is about 30 for men and 29 for women.[16]

The Department is not proposing to amend the regulations for SAVE in this NPRM and will not consider comments related to adjusting the payment calculations on SAVE in response to this NPRM.

Borrowers whose income exceeds these thresholds would not receive a waiver under this provision but could have the lesser of $20,000 or the amount by which their balance upon entering repayment exceeds their current outstanding balance waived under § 30.82.

The Department's overall goal with this provision is to only address balance growth that occurred after a borrower entered repayment. We do not propose to address interest that accumulated before a borrower first entered repayment, which, prior to July 1, 2023, was capitalized on their balance at the end of the grace period. The accumulation of interest while a borrower is in school is a statutory component of Federal Student Loans.[17] However, the Department faces certain data limitations that make it impossible to accurately ascertain the balance upon entering repayment for loans disbursed before January 1, 2005. For those loans, data regarding the balance upon the end of the grace period is not stored in the Department's records. We are concerned that attempts to approximate that amount may not be accurate and could result in either providing too much or too little assistance to borrowers. Accordingly, this provision would provide differential treatment for loans based upon whether they were disbursed before or after the date by which the Department can accurately assess the balance owed upon repayment entry. For loans disbursed after January 1, 2005, we would measure the original balance based upon the last day of a borrower's grace period, so that no interest that accumulated prior to entering repayment is included. For loans disbursed before that date, the Department would use the original disbursed balance of the loan due to operational limitations. Because the Department does not have a valid and reliable data point for balance at repayment entry for borrowers with these older loans, we think the balance at disbursement is the best available data to use for loans disbursed before January 1, 2005. This would be used only for borrowers whose loans are 20 or more years old, which also means that the vast majority of loans that are that old and are still outstanding belong to borrowers who have had long-term struggles repaying. For instance, Department data in the RIA that accompanies this NPRM show that 83 percent of borrowers whose loans are at least 20 (undergraduate debt) or 25 (graduate debt) years old have previously experienced a default. Moreover, to the extent borrowers with these older loans had subsidized loans, they would not have seen interest accumulate before entering repayment on those loans. These dates properly balance the policy goals of not waiving interest prior to repayment entry with the operational reality of using the best available data. Because the January 1, 2005, disbursement date creates a clear dividing line that establishes two groups of borrowers, one with loans disbursed before January 1, 2005, and another with loans disbursed after that date, if either element of this provision were invalidated by a reviewing court, the element that stayed in effect would continue to provide important relief to borrowers.

The Committee did not reach consensus on proposed § 30.81.

§ 30.82 Waiver when the current balance exceeds the balance upon entering repayment.

Statute: Section 432(a) of the HEA (20 U.S.C. 1082(a)) provides that in the performance of, and with respect to, the functions, powers, and duties, vested in him by this part, the Secretary may enforce, pay, compromise, waive, or release any right, title, claim, lien, or demand, however acquired, including any equity or any right of redemption.

Current Regulations: None.

Proposed Regulations: Proposed § 30.82 would provide that the Secretary may waive the lesser of $20,000 or the amount by which a borrower's loans have a total outstanding balance that exceeds the balance owed upon entering repayment, for loans disbursed before January 1, 2005, the balance of the loans on the day after the grace period for loans disbursed on or after January 1, 2005, or the total original principal balance of all loans repaid by a Federal Consolidation Loan or a Direct Consolidation Loan. A borrower who has received a waiver under § 30.81 would not be eligible for a waiver under this provision.

[16] Based on the American Community Survey 2022 5-year estimates of Median Age at First Marriage.

[17] See 20 U.S.C. 1077a and 1087e(b).

Reasons: Proposed § 30.82 would provide one-time relief to borrowers who experienced balance growth. While the Department has taken steps to address the harms of balance growth and interest capitalization going forward, the recent changes do not address past instances of balance growth that have resulted in some borrowers owing more than they originally did when they entered repayment. As explained, this balance growth adversely affects a borrower's ability to pay off their loans in full within a reasonable period. We are also concerned that growing balances while in repayment may lead to negative psychological impacts on borrowers who are attempting to repay their debt but are unable to do so.

There are several reasons why a borrower may have seen their loan balance grow beyond what it was when they entered repayment. They may have spent time in deferments and forbearances during which interest accumulated on their loans. This includes both deferments for unemployment or economic hardship, as well as deferments and forbearances related to military service. Borrowers may also have seen their balances grow if they previously spent time on an IDR plan during which their income-based payment amounts were not sufficient to repay all the monthly accumulating interest. Borrowers may also have spent time in which they were not repaying their loans, including periods of delinquency and in default.

Borrowers who accumulated outstanding unpaid interest also may have experienced interest capitalization events, such as after a forbearance ends or after they left an IDR plan, in which outstanding interest was added onto the loan's principal balance. Once capitalization occurs, borrowers then pay interest that is calculated off that higher principal balance, increasing the total amount of interest they need to repay.

The Department took steps in recent years to avoid balance growth and in particular to decrease the instances in which borrowers see their unpaid interest capitalize. Specifically, the Department has recently taken action to end interest capitalization where it is not required by statute as well as to create an interest benefit under the SAVE plan wherein the borrower is not charged for the remaining interest after a payment is applied. Providing relief through § 30.82 allows the Department to address the current and ongoing issues for borrowers caused by this past balance growth.

The Department proposes to make the benefits of § 30.82 available to all borrowers because we are concerned about the negative effects of balance growth regardless of borrowers' past repayment history or circumstances. While we have proposed a separate provision in § 30.81 that would provide relief for borrowers who are on an IDR plan and have incomes below certain levels, the Department sees §§ 30.81 and 30.82 as provisions that can operate in a separate and distinct manner from each other. Therefore, in developing the parameters for this provision, the Department considered the optimal structure for this provision as a standalone benefit. The only interplay between this provision and § 30.81 is the proposed limitation in § 30.82(b) that a borrower may not receive relief to address balance growth under both provisions because the Department intends to provide one-time relief from balance growth for a borrower if the Secretary exercises his discretion to grant such relief through this provision.

The Department believes it is important to provide a benefit under § 30.82 that is available to all borrowers. An automatic and universal approach is the simplest to administer and also avoids problems commonly seen by the Department with application-based benefits in which the borrowers who would most benefit from the relief fail to apply. The JP Morgan Chase Institute found in 2022 that there are two borrowers who could benefit from IDR for every one that is enrolled.[18] Similarly, the U.S. Department of the Treasury found that 70 percent of borrowers who were in default in 2012 would have benefitted from a reduced payment of an IDR plan at the time.[19] Providing this benefit on a broadly applicable, automatic basis would allow us to reach all borrowers who face the adverse effects of balance growth and would create a streamlined process.

However, because the Department would provide a universal benefit, we do not believe it would be appropriate to provide uncapped relief. In particular, there are borrowers who have experienced amounts of balance growth significantly higher than all other borrowers who have seen their balances grow. The Department is concerned that waiving those excessive amounts of balance growth would provide unnecessary windfall benefits in which there would be significant costs incurred to help a relatively small number of borrowers.

We propose capping the amount of relief at $20,000 for a borrower which would strike the balance between granting a level of benefits that would provide assistance to borrowers while not granting windfall amounts of relief. This $20,000 amount represents the 90th percentile of the amount by which balances exceed what borrowers originally owed upon entering repayment. This amount is informed by using a statistical approach to identify excess balance values that are dissimilar to most other values. There are several common ways of defining outliers in a distribution, and we use a process here that uses multiples of the interquartile range, referred to as a ''fence.''[20] The upper inner fence is commonly defined as the 75th percentile value plus the interquartile range multiplied by 1.5. In Department data, the inner fence is about $18,500, which we round up to $20,000 to create a simpler value to understand.

A cap on relief under this provision also acknowledges that generally borrowers must have larger loan balances in order to experience greater amounts of balance growth, and that typically borrowers with larger loan balances have greater earnings potential than those with lower loan balances.

Examples highlight the connection between loan balance amounts and the potential for balance growth. Consider a borrower who owes $9,500 at an interest rate of 4.32 percent, the maximum amount of debt an undergraduate student can take out in a single year and the average interest rate for undergraduate loans over the last 11 years. If they did not make a single payment for 10 years their balance would grow by $4,104. By contrast, a borrower who owes $150,000 all in graduate loans at an interest rate of 5.87 percent (the average graduate rate over the last 11 years), would see their balance grow by $88,050 if they did not make a payment over 10 years. Therefore, among two otherwise similarly situated borrowers, the borrowers who owe more, particularly in graduate loans, will see their balance grow faster.

Borrowers with very high balances tend to have higher incomes than do lower-balance borrowers. That may be because many higher-balance borrowers

[18] *www.jpmorganchase.com/institute/research/household-debt/student-loan-income-driven-repayment.*

[19] U.S. Government Accountability Office, 2015. Federal Student Loans: Education Could Do More to Help Ensure Borrowers are Aware of Repayment and Forgiveness Options. GAO–15–663.

[20] For more information on this approach see the National Institute of Standards and Technology, *https://www.itl.nist.gov/div898/handbook/prc/section1/prc16.htm,* or statistical textbooks such as Ott & Longnecker, *An Introduction to Statistical Methods and Data Analysis.*

accumulated some or most of their debt from graduate school, and among college-educated individuals, those with a graduate degree generally have higher wages than those with only an undergraduate credential or without any credential at all.[21] A higher earning borrower may not only have a greater ability to pay off their debt in full in a reasonable period, there is also a greater likelihood that they may be on an earnings trajectory in which their initial earnings start out lower and then increase over time. For instance, many health care professions start with lower wages until the individual completes their residency. This earnings growth phenomenon is something the Department has acknowledged in other contexts, such as in the Financial Value Transparency and GE final regulations in which the Department proposes to assess the earnings of graduates from certain programs from the period six or seven years after completion instead of the standard three or four years used for most other program types. Based upon the proposed cap of $20,000 on balance growth, we looked at data on borrowers who experienced balance growth to try to understand any points where borrowers who would receive relief beyond that cap amount appear to have a greater likelihood of showing their ability to repay their debt. This analysis included looking at factors such as the share of borrowers with loans from graduate school, the rate at which borrowers received Pell Grants, and whether students had past evidence of default. While the Department does not have data on borrower incomes, we imputed income for borrowers based on individuals with similar demographic and educational characteristics from Census data. This procedure is imperfect, but we believe it provides a reasonable approximation of income. We found that borrowers who had less than $20,000 of excess balance were less likely to have gone to graduate school and have a lower imputed income. They were also more likely to have received a Pell Grant or to have experienced student loan default. This further confirmed our belief that preventing windfall amounts of relief also helped make this provision better targeted.

The Department specifically invites feedback from the public on the approaches considered here. In particular, we are interested in comments on whether to consider a higher or lower cap on the amount of balance growth that could be waived and on the rationales for choosing such caps. We also welcome feedback on whether there should be separate waiver policies to consider unique circumstances of different groups of borrowers and how they might be affected by balance growth. Such groups, for example, could recognize the effect of balance growth as being different for parent borrowers versus student borrowers because the former have less access to IDR plans and as a result have less of an ability to have balances forgiven after a certain period in repayment.

The different dates for measuring the original balance in § 30.82(a) reflect data limitations the Department faces in accurately calculating the right balance to use as a baseline. These data limitations are explained in the discussion of reasons for § 30.81.

During the third negotiated rulemaking session, the Department proposed two regulatory sections that are similar to proposed § 30.82. The Committee did not reach consensus on these proposed sections.

§ 30.83 Waiver based on time since a loan first entered repayment.

Statute: Section 432(a) of the HEA (20 U.S.C. 1082(a)) provides that in the performance of, and with respect to, the functions, powers, and duties, vested in him by this part, the Secretary may enforce, pay, compromise, waive, or release any right, title, claim, lien, or demand, however acquired, including any equity or any right of redemption.

Current Regulations: None.

Proposed Regulations: Proposed § 30.83(a)(1) specifies the conditions under which the Secretary may waive the outstanding balance of Federal student loans received for the borrower's undergraduate study.

Under this proposed rule, borrowers would have their outstanding balances waived only for loans that were received for undergraduate study or Direct Consolidation Loans that repaid only loans that were obtained for undergraduate study, and which first entered repayment on or before July 1, 2005. Proposed § 30.83(a)(2) describes the conditions under which the Secretary may grant waivers on outstanding balances of Federal student loans other than those loans that were received for undergraduate study, and first entered repayment on or before July 1, 2000.

Proposed § 30.83(b) specifies how the Department would calculate the date when a loan originally entered repayment. For a loan that is not a PLUS loan or a consolidation loan, the Department would use the day after the loan's initial grace period ends. For PLUS loans made to either a parent or a graduate or professional student, the Department would use the date the loan is fully disbursed. For a Federal Consolidation Loan or Direct Consolidation Loan made prior to July 1, 2023, the Department would consider the earliest date a loan repaid by the consolidation loan had the following occur:

- For a non-PLUS, non-consolidation loan, the day after its initial grace period ended,
- For a PLUS loan to a graduate or professional student or a parent, the date the loan was disbursed.

For a Direct Consolidation Loan made on or after July 1, 2023, the date for measuring repayment entry would be based upon the latest day a loan repaid by the consolidation loan had its initial grace period end or was fully disbursed.

Reasons: The standard repayment plan that acts as the default option for borrowers provides a repayment schedule of 120 monthly installments of fixed amounts, the equivalent of 10 years.[22] Similarly, the income contingent repayment authority provides that borrowers repay over an extended period, but such repayment period is not to exceed 25 years.[23] More recently, the IBR plan provides that a borrower's repayment term ends when they reach the equivalent of 20 or 25 years of monthly payments, depending on when they first took out loans.[24]

The Department is concerned that despite the presence of ways for repayment to end, too many borrowers end up owing loans for years, if not decades, longer than the repayment plans generally require. In estimates presented later in the RIA, millions of borrowers have been in repayment for over 20 or 25 years.[25] The Department

[21] Borrowers with professional doctoral degrees, which include fields like medicine, pharmacy, veterinary medicine, and law, have the highest cumulative student loan balances among those who have completed postsecondary education (see *https://nces.ed.gov/programs/coe/indicator/tub/graduate-student-loan-debt*). These are also fields that tend to have the highest wages (see for example, *https://www.bls.gov/oes/current/oes_nat.htm*). Borrowers with master's degrees or higher, also tend to have higher debt (see Bhutta et al. ''Changes in U.S. Family Finances from 2016 to 2019: Evidence from the Survey of Consumer Finances,'' Federal Reserve Bulletin, 2020, 106 (5). *https://www.federalreserve.gov/publications/files/scf20.pdf*) For research on the returns to graduate degrees, see, for example, Altonji & Zhong (2021). The labor market returns to advanced degrees. *Journal of Labor Economics,* 39(2).

[22] See 20 U.S.C. 1078(b)(9)(A)(i) and 20 U.S.C. 1087e(d)(1)(A).

[23] See 20 U.S.C. 1087e(d)(1)(D).

[24] See 20 U.S.C. 1098e.

[25] There is also evidence of many borrowers being in repayment for a long time in a paper by the Urban Institute using credit panel data estimated that there are nearly 100,000 borrowers with loans that were first originated prior to 1990, making

Continued

is particularly concerned that when loans persist for this long, they are unlikely to be repaid in a reasonable period of time. In recognition of this problem, Congress and the Department have made several statutory and regulatory changes to the student loan program so that borrowers can fully repay their debt within a reasonable time. However, borrowers who took out loans prior to the creation of these changes spent years or decades without the generous benefits that exist today and, as a result, may have faced more repayment challenges and be less likely to retire their debts within a reasonable time. The Department has already taken some steps to address this concern through the payment count adjustment. In that situation, the Department was concerned that because of inaccurate recordkeeping, borrowers may not have received appropriate credit toward forgiveness on IDR plans that they had earned. We were also worried about incorrect application of policies designed to limit repeated use of forbearances or properly tracking which deferments are supposed to count toward forgiveness. To that end, we credit all months a borrower spent in a repayment status, plus any months during which a borrower spent 12 consecutive or 36 cumulative months in a forbearance, and any deferments besides being in-school prior to 2013. We also do not reset progress toward forgiveness based upon loan consolidation. While the payment count adjustment provides important assistance, it does not capture the full set of circumstances in which a borrower may struggle to accrue time to forgiveness. This includes time spent in default and time spent in forbearance that does not meet the criteria of the payment count adjustment.

The Department views proposed § 30.83 as providing a waiver to borrowers who have had their loans for such an extended period that they are unlikely to fully repay within a reasonable period.

In drafting § 30.83, the Department has proposed to adopt several parameters to mirror the existing IDR plans. For instance, we would use debt relief thresholds of 20 or 25 years because those are the same periods available on IDR plans. We propose applying this provision to loans that entered repayment on or before July 1, 2005 for borrowers who do not have any graduate loans because these borrowers will have been in repayment for all or part of 20 calendar years or more when the regulation is implemented; and we propose applying this provision to loans that entered repayment on or before July 1, 2000 for borrowers who have any graduate loans because these borrowers will have been in repayment for all or part of 25 calendar years when this provision is implemented. We also elected to use the differential treatment of undergraduate and graduate borrowers that exists in SAVE and was carried over from the since-replaced Revised Pay As You Earn (REPAYE) plan. The Department further believes after reviewing information identified in FSA's Enterprise Data Warehouse, that the differential treatment for undergraduate versus graduate loans is reasonable because Department data show that undergraduate borrowers go into delinquency or default at significantly higher rates than graduate borrowers. According to these data, 90 percent of borrowers who are in default on their loans had only taken out loans for their undergraduate education. By contrast, only 1 percent of borrowers who are in default only had graduate loans.

In proposing this treatment of loans that entered repayment a long time ago, the Department would not adopt the terms for a shortened period until forgiveness that is included in SAVE. That provision allows borrowers to receive forgiveness after as few as 120 payments if their original principal balance was $12,000 or less. The Department does not think it is appropriate to adopt that threshold here because this timeline is only available under the SAVE plan. By contrast, the goal of § 30.83 is to address situations where borrowers have been unable to fully repay in a reasonable time and have not even been able to repay in full over an extended period. This extended period is consistent with the forgiveness timelines on other IDR plans, which provide repayment terms of up to 20 or 25 years.

The Department also proposes to include language in § 30.83(b) explaining how we would determine the date of repayment entry in several different situations. For loans that are not PLUS loans or consolidation loans, we propose to use the date after the final day of a loan's grace period. That is the most intuitive date associated with what it means to enter repayment. For PLUS loans made to either a parent or a graduate or professional student we propose using the day the loan is fully disbursed. This recognizes that PLUS loans have multiple options for when borrowers enter repayment. Since 2008, parent borrowers have had the option to defer repayment entry until after the dependent undergraduate leaves school. But not all choose to do this, and some parents choose to enter repayment right away, in which case their repayment entry date is the same as the disbursement date. Similarly, graduate borrowers have the option to decline their in-school deferment. Using the date of disbursement is therefore a consistent treatment of PLUS loans regardless of whether the borrower elected to go into repayment right away.

The Department proposes a simpler solution for picking the date to assign for repayment entry for a consolidation loan. We are concerned that simply counting the date of the consolidation loan's disbursement would be unfair to borrowers because it could result in erasing years of time since repayment entry for borrowers, unwittingly. The Department has addressed concerns about a full reset of forgiveness clocks through consolidation in recent regulations on IDR and PSLF and maintains that concern here. In those circumstances we have addressed that issue through using a weighted average of the underlying loans.[26] Instead, for this regulation we propose an approach that is simpler to administer and clearer to understand. For consolidation loans made before July 1, 2023, we propose using the earliest date that any loan that was repaid by a consolidation loan ended its initial grace period or was disbursed in the case of a PLUS loan. We propose this date of July 1, 2023, because it was the day after the Department announced this rulemaking in a press release and there was no way a borrower could have known to consolidate and receive this benefit.[27] As such, borrowers could not have engaged in any strategic consolidation to receive this benefit before July 1, 2023. For consolidation loans disbursed on or after July 1, 2023, we propose to instead use the latest date that any loan repaid by the consolidation ended its initial grace period, or in the case of a PLUS loan was disbursed. By establishing these different thresholds, a borrower's repayment progress will not fully reset when a borrower consolidates loans on which a borrower had previously made payments. In addition,

them well more than 30 years old. The author also estimated that 1.5 million borrowers had a loan with an origination date before 2000. The author notes these statistics may well be an underestimate because older debts may no longer appear on a borrower's credit report even though they are still outstanding. *https://www.urban.org/sites/default/files/publication/101492/when_student_loans_linger_0.pdf.*

[26] See 34 CFR 685.209(k)(4)(v)(B) and 34 CFR 685.219(c)(3).

[27] *https://www.ed.gov/news/press-releases/fact-sheet-president-biden-announces-new-actions-provide-debt-relief-and-support-student-loan-borrowers.*

this also makes certain that a borrower could not consolidate after the Department announced this proposal in order to receive a waiver of newer loans alongside older ones. We have determined that this approach is more operationally feasible and carries a lower risk of errors.

During negotiated rulemaking, the Department proposed only waiving loans that first entered repayment 20 or 25 years ago at the time we would implement this section. Negotiators and public commenters raised significant concerns about how such an approach would create a ''cliff effect'' in which a borrower who falls just a month or two short of 20 or 25 years would not be eligible for a waiver, despite facing significant financial burden of student loan debt over time and facing many of the same repayment challenges as those borrowers eligible for relief under this provision.

The Department understands the concerns raised by negotiators and members of the public about the challenges with operating this policy only once. At the same time, however, the Department is concerned that an ongoing policy would not recognize how the Department has taken steps to address many repayment challenges on a going-forward basis by introducing several IDR plans, including the new SAVE plan, which should make it substantially easier going forward for borrowers to make payments that qualify for forgiveness. We have not yet identified a solution to this issue that would still encourage borrowers who have not yet reached forgiveness to continue making required payments until they reach the 20- or 25-year mark. And for any solution for this cliff, we would need a way to appropriately model the likelihood that a borrower does take necessary steps in the future to be eligible for relief under this approach so that we can assign it the proper estimated cost in the net budget impact.

Given the considerations outlined above and in light of the changes the Department has made under recent IDR plans, we invite feedback from the public about how to acknowledge and address the repayment challenges of borrowers who entered repayment a long time ago, but not long enough to immediately qualify under this provision, and who are unlikely to repay their loan in full in a reasonable period. We also invite feedback on how to determine the likelihood that any borrower who does not yet reach forgiveness under the proposed policy would qualify for forgiveness under any suggested alternative one. For example, if the Department were to award credit toward forgiveness timelines for all months since entering repayment up until July 2024 (when all of SAVE's provisions become effective), and a borrower first entered repayment at least 15 years ago, what standards are appropriate for determining whether the borrower reaches the 20- or 25-year threshold in light of the Department's recent steps to fix repayment challenges through SAVE? In addition, how would the Department determine the likelihood that such borrower ultimately takes necessary steps to reach a 20 or 25-year forgiveness threshold under the proposed standard?

The Committee did not reach consensus on proposed § 30.83.

§ 30.84 Waiver when a loan is eligible for forgiveness based upon repayment plan.

Statute: Section 432(a) of the HEA (20 U.S.C. 1082(a)) provides that in the performance of, and with respect to, the functions, powers, and duties, vested in him by this part, the Secretary may enforce, pay, compromise, waive, or release any right, title, claim, lien, or demand, however acquired, including any equity or any right of redemption.

Current Regulations: None.

Proposed Regulations: Proposed § 30.84 would specify that the Secretary may waive the outstanding balance of a loan for borrowers who are otherwise eligible for forgiveness under an IBR plan, Income-contingent Repayment (ICR) plan, or an alternative repayment plan but are not currently enrolled in the plan where they could receive forgiveness. The amount of the waiver would be the same as what the borrower would receive under the applicable IDR plan. Currently borrowers who are repaying their loans under an IDR plan must meet the eligibility requirements to enroll and qualify for forgiveness of their Federal student debt. Under all IDR plans, any remaining loan balance is forgiven if their loans are not fully repaid at the end of the repayment period.

Reasons: Congress and the Department have provided borrowers with various income-based repayment plan options over time. The Department currently offers four IDR plans: the IBR plan, ICR plan, Pay as You Earn Repayment (PAYE) plan, and the new SAVE plan that replaced the former REPAYE plan. For purposes of this NPRM we refer to IBR, ICR, PAYE, SAVE, and REPAYE collectively as IDR plans.

The HEA sets forth the requirements for borrowers to receive relief under the terms of the various IDR plans. For both ICR and IBR, a borrower may receive relief as long as they have accumulated the requisite amount of time making qualified payments or being in a qualified deferment.[28] The HEA does not require these qualifying payments or deferments to occur while the borrower is enrolled in an ICR plan to receive relief under ICR,[29] nor must they occur while a borrower is on an IBR plan to receive relief under IBR.[30] Rather, the HEA permits borrowers to receive relief under these plans so long as the borrower participates in them at some point after such qualifying payments or deferments have occurred.[31] While the HEA's ICR and IBR provisions do specify steps and procedures for obtaining a borrower's income information to calculate reduced payments under these plans, there is no requirement that borrowers provide such information as a condition of receiving relief. Instead, the HEA leaves the specific details of how to operationalize the procedures for enrolling in IDR plans up to the Secretary. Under this proposed provision, the Secretary would use information within the Department's possession to identify borrowers already eligible for relief and provide them with the opportunity to enroll in the IDR plan by choosing not to opt-out of receiving a waiver.

Such waivers would benefit many borrowers because the Department's current IDR regulations require borrowers to apply to enroll in IDR plans.[32] Unfortunately, Department experience and independent research shows that there have been persistent challenges getting borrowers who would benefit from IDR plans to enroll in them.[33] And when borrowers do enroll, large shares of them fail to successfully recertify and stay enrolled. For example, one study by the JP Morgan Chase Institute found that for every borrower enrolled in IDR there are two others who would benefit from such a plan but

[28] See 20 U.S.C. 1087e(e)(7) (ICR provision describing qualifying payments and deferments for relief); 20 U.S.C. 1098(b)(7) (IBR provision describing qualifying payments and deferments for relief).

[29] *See* 20 U.S.C. 1087e(e)(7).

[30] 20 U.S.C. 1098(b)(7) (stating the Secretary may repay or cancel any outstanding balance of principal and interest for a borrower who ''at any time, elected to participate in'' an IBR plan and meets the conditions for qualified payments or deferment).

[31] *See* 20 U.S.C. 1087e(e)(7); 20 U.S.C. 1098(b)(7).

[32] 34 CFR 685.209(l).

[33] Goldstein, Adam, Charlie Eaton, Amber Villalobos, Parijat Chakrabarti, Jeremy Cohen, and Katie Donnelly. ''Administrative Burden in Federal Student Loan Repayment, and Socially Stratified Access to Income-Driven Repayment Plans.'' *RSF: The Russell Sage Foundation Journal of the Social Sciences* 9, no. 4 (2023): 86–111.

are not enrolled.[34] Similarly, the Federal Reserve Bank of Philadelphia found that many borrowers were unaware of the new SAVE plan, especially among borrower groups who were most likely to benefit from it, and potential beneficiaries remained uncertain even after learning about plan features and benefits.[35]

The Department is concerned that its past practices of administering IDR plans have made it too challenging for borrowers to successfully navigate these processes. The result has been borrowers struggling to figure out which IDR plan is best, determine whether they are eligible, and then submit an application.[36]

Under the Department's current regulations, borrowers must also re-enroll in the IDR plan each year and risk being removed from the plan if they fail to recertify their participation in a timely basis. The Department has taken many steps in recent years to address this problem. We created the SAVE plan, which addresses many of the issues that borrowers experienced in other IDR plans. We also are implementing a regulatory change[37] that makes it possible for borrowers to automatically recertify their IDR enrollment by providing approval for the disclosure of their Federal tax information.

The Department is also concerned about how past challenges with administering IDR plans may have exacerbated these issues for borrowers with older loans. In April 2022, the Department announced it was taking executive action to address concerns about a lack of consistent tracking of borrower progress toward forgiveness and improper implementation of policies designed to limit the use of extended time in forbearances.[38] Through that process we have identified and provided relief to hundreds of thousands of borrowers who were eligible for IDR forgiveness but had not enrolled. Simultaneously, the Department put in place processes to fix these issues going forward, including giving borrowers a clear count of their progress toward forgiveness and addressing the use of forbearances. However, we are concerned that there is still a group of borrowers who did not reach forgiveness through the payment count adjustment and who are not so new to borrowing that all their time in repayment would be covered by these improvements. In particular, these would be borrowers who are eligible for the forgiveness benefits under the SAVE plan, which provides forgiveness after as few as 120 months (10 years) in repayment for borrowers who originally took out $12,000 or less. Keeping borrowers such as these in the repayment system when they could receive a discharge immediately creates costs for the Department because we have to continue to pay servicers to manage these loans.

The Department proposes applying this section to borrowers repaying under all types of IDR plans, including those created under the income-contingent repayment authority and IBR, and the alternative plan. We include the alternative plan as well because that plan contains an option to provide borrowers forgiveness after a set period of time, even if they have not paid off the full balance. In that regard it is similar to IDR plans. By contrast, other payment plans do not provide forgiveness and so are not appropriate to include in this section.

In applying this waiver, the Secretary would provide borrowers with relief identical to what they would have otherwise received on the relevant IDR plan. They are not receiving benefits any larger than they otherwise would have if they successfully navigated the enrollment or re-enrollment process.

The non-Federal negotiators supported the Department's proposal to waive the outstanding balance of loans and encouraged the Department to automate the process and expedite the approval and debt relief as much as possible.

The Committee reached consensus on proposed § 30.84.

§ 30.85 Waiver when a loan is eligible for a targeted forgiveness opportunity.

Statute: Section 432(a) of the HEA (20 U.S.C. 1082(a)) provides that in the performance of, and with respect to, the functions, powers, and duties, vested in him by this part, the Secretary may enforce, pay, compromise, waive, or release any right, title, claim, lien, or demand, however acquired, including any equity or any right of redemption.

Current Regulations: None.

Proposed Regulations: Proposed § 30.85 would provide that the Secretary may waive up to the entire outstanding balance of a loan where the Secretary determines that a borrower has not successfully applied for, but otherwise meets, the eligibility requirements for any other loan discharge, cancellation, or forgiveness program under 34 CFR parts 682 or 685. This includes opportunities such as false certification discharge, closed school loan discharges, and Public Service Loan Forgiveness (PSLF).

The proposed regulations also specify that if a borrower has a Direct Consolidation Loan or a Federal Consolidation Loan where only part of it would meet the criteria of this section that the Secretary may waive the portion of the outstanding balance of the consolidation loan attributable to such loan.

Reasons: The HEA outlines several opportunities for borrowers in the Direct or FFEL Programs to receive Federal student loan forgiveness in certain situations if the borrower meets the eligibility requirements. For both loan types, this includes forgiveness when a borrower is enrolled at a school that closes, if they have a total and permanent disability, or have a loan that has been falsely certified. Direct Loan borrowers are also eligible for PSLF.

The Department has historically seen many situations where borrowers do not successfully apply for available relief when they are eligible. For example, in August 2021, the Department issued a final rule that provided automatic forgiveness for borrowers who were identified as eligible for a total and permanent disability discharge through a data match with the Social Security Administration.[39] The Department had been using such a match for years to identify eligible borrowers but required them to opt in to receive relief. After switching to an opt out model, we have provided relief to more than 350,000 borrowers, showing that a default of inclusion helps these programs to reach the people who need them. Absent this action it is possible many of these borrowers would still have loans today. Similarly, GAO studies of closed school loan discharges have found that many borrowers eligible for a closed school loan discharge fail to apply, and that those who in the past received automatic closed school loan discharges after a three-year waiting period were

[34] *https://www.jpmorganchase.com/institute/research/household-debt/student-loan-income-driven-repayment#finding-1.*

[35] *https://www.philadelphiafed.org/-/media/frbp/assets/consumer-finance/reports/cfi-sl-payments-3-resumption.pdf.*

[36] Herbst, Daniel. "The impact of income-driven repayment on student borrower outcomes." *American Economic Journal: Applied Economics* 15, no. 1 (2023): 1–25.; Conkling, Thomas S., and Christa Gibbs. "Borrower experiences on income-driven repayment." *Consumer Financial Protection Bureau, Office of Research Reports Series* 19–10 (2019).

[37] *https://www.federalregister.gov/documents/2023/07/10/2023-13112/improving-income-driven-repayment-for-the-william-d-ford-federal-direct-loan-program-and-the-federal.*

[38] *https://www.ed.gov/news/press-releases/department-education-announces-actions-fix-longstanding-failures-student-loan-programs?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=.*

[39] 87 FR 65904 (November 1, 2022).

highly likely to default during the waiting period.[40]

The waivers proposed in this section would build on efforts made by the Department over the past several years to improve regulations for existing discharge programs to allow the Secretary to award borrowers relief under different programs if we determine that they otherwise meet the criteria. Beyond the regulatory programs to automatically provide discharges to eligible borrowers, the Secretary may have or obtain information showing that additional borrowers are or should be eligible for relief on their loans. For example, borrowers whose schools closed while they were enrolled outside of the time periods that the Department provided automatic relief would nonetheless be eligible for this relief if they applied. By giving these borrowers an opportunity to obtain the relief intended for them by choosing not to opt out, this rule would make that relief available in a fairer manner that lessens the burdens on borrowers. Although schools can be liable for relief provided based on the closed school discharge regulation, schools would not face a liability for waivers granted under this section. Because the Secretary would have waived the amounts owed by the borrower there is no liability that could then be established against the institution and then pursued through administrative proceedings.

It is possible that a borrower whose loans have been consolidated could have some of the loans repaid by the consolidation that are eligible for a waiver and some that would not be. For example, a borrower could have loans from one school that are eligible for a closed school loan discharge and other loans that are not. In such situations the Department would waive repayment of the portion of the consolidation loan attributable to that loan repaid by the consolidation loan that is eligible for the waiver.

Overall, the Department believes that this waiver will provide additional flexibility and help get relief to more borrowers who are eligible for Federal student loan forgiveness.

One non-Federal negotiator opposed this proposed regulation. The negotiator stated concerns for other borrowers who are already eligible for Federal student loan discharges who would be treated differently under the waiver authority and may lose other benefits currently provided by existing Federal student loan discharge programs. This same negotiator provided an example of a borrower who may face tax consequences if they receive this benefit under the waiver instead of utilizing other discharge programs where such a discharge would be statutorily excluded from being considered taxable income. By law, there is no Federal taxation on Federal student loans forgiven by the Department through the end of 2025.[41] Before any usage of this authority the Department would also consider whether a borrower is already eligible for a discharge under the existing forgiveness opportunity.

The Committee did not reach consensus on proposed § 30.85.

§ 30.86 Waiver based upon Secretarial actions.

Statute: Section 432(a) of the HEA (20 U.S.C. 1082(a)) provides that in the performance of, and with respect to, the functions, powers, and duties, vested in him by this part, the Secretary may enforce, pay, compromise, waive, or release any right, title, claim, lien, or demand, however acquired, including any equity or any right of redemption.

Current Regulations: None.

Proposed Regulations: Under proposed § 30.86(a), the Secretary may waive the entire outstanding balance of a loan associated with attending an institution or a program at an institution if the Secretary or other authorized Department official took certain final agency actions. These final agency actions are: termination of the institution or academic program's participation in the title IV, HEA programs; a denial of the institution's request for recertification; or determination that the institution or program loses title IV eligibility. To qualify under this section, the final agency action must have been taken in whole or in part due to the institution or academic program failing to meet an accountability standard based on student outcomes for determining eligibility in the title IV, HEA programs or the Department determining that the institution or program failed to deliver sufficient financial value to students. Such situations that are evidence of failure to provide sufficient financial value include when the institution or program has engaged in substantial misrepresentations, substantial omissions, misconduct affecting student eligibility, or other similar activities. Currently, proposed 30.86(a)(2) also includes the following language: ''this paragraph applies to circumstances when the institution or program has lost accreditation at least in part due to such activities.'' The intent of the consensus language was to clarify that the underlying finding that supports the Department's determination that an institution or program failed to deliver financial value under proposed § 30.86(a)(2) could be a finding made by the Department or it could be a finding made by an accreditor that terminated accreditation based at least in part on that finding. Since the Committee reached consensus on the language included in 30.86, the Department included it in these proposed regulations. However, the Department believes that this intent could be stated more clearly as: ''The institution or program has failed to deliver sufficient financial value to students, including in situations where either (i) the Department has determined that the institution or program has engaged in substantial misrepresentations, substantial omissions, misconduct affecting student eligibility, or other similar activities; or (ii) the Department has determined that the accrediting agency has terminated its accreditation based at least in part upon a finding that the institution or program has engaged in the activities described in paragraph (a)(2)(i) of this section.'' The Department invites comments on this possible change.

Proposed § 30.86(b) would specify that the waiver applies to a borrower's loans received for attending that program or school during the period that corresponds with the findings or outcomes data unless the Department believes the use of a different period is appropriate. In the case of a Federal Consolidation Loan or Direct Consolidation Loan that has an outstanding balance, under proposed § 30.86(c) the Secretary would waive the portion of the outstanding balance of the consolidation loan attributable to such loan received for attending that program or school during the period that corresponds with the findings or outcomes data.

Reasons: Conducting rigorous oversight and enforcing accountability measures are key functions for the Department.[42] Identifying situations in which institutions or programs are failing to meet requirements of the HEA and taking action to prevent the flow of future title IV aid dollars is an important way to solidify that taxpayer funds are well spent and to protect future borrowers and aid recipients from harm.

[40] *https://www.gao.gov/assets/gao-21-105373.pdf.*

[41] See Title IX, Subtitle G, Part 8, section 9675 of the American Rescue Plan Act, 2021 (Pub. L. 117–2).

[42] Some examples of the Department's oversight and compliance measures over institutions include but are not limited to: program reviews authorized under Sec. 498A of the HEA; requiring most institutions to submit a compliance and financial audit authorized under Sec. 487(c) of the HEA; and others.

However, while we take aggressive action to protect future borrowers and aid recipients, we often do not address loans held by borrowers who attended programs or institutions at the very time we observed the issues that led to the termination of future aid receipt. For example, a borrower who attended an institution that lost access to aid because of high CDRs, is still left to repay their loans, even as the Department takes steps to protect future borrowers from going into debt at those institutions.

This waiver would provide relief to borrowers who received loans to attend programs or institutions that lost access to title IV aid for specific agency actions if they took out loans during the period that generated the outcomes data that led to the aid termination or who attended during the period covered by evidence that was used to justify cutting off title IV aid into the future.

The Department believes waivers in this situation are appropriate because we think it is unfair to expect borrowers to continue repaying loans from a time when we know the issues at the institution or program were so significant that they warranted adverse Secretarial action. These are loans where we know the borrower is not getting the benefit of the bargain one should expect when they take out loans for postsecondary education or, in cases such as substantial misrepresentation, that the loans should not have been made in the first place.

Waivers of Federal student loan debt under proposed § 30.86 would only apply after a final agency action. That means the institution would have exhausted its administrative appeals for that final action. For example, if the Secretary denies an institution's request for recertification, that institution would still be afforded the opportunity to appeal that denial in accordance with 34 CFR part 668, subpart G and only until the institution exhausts its appeals options for the denial of the recertification—or indicates that it does not intend to appeal the decision—would the Department consider waiving affected borrowers' loan balances in accordance with this regulation. If an institution does not appeal a liability in a specific finding in a Final Program Review Determination (FPRD), the finding in that FPRD would be considered final. Relying only on final agency actions also means that instances in which the Secretary initiates an action and then does not finalize it due to a successful appeal would not be included. For example, if an institution successfully appeals a failing CDR and does not lose aid eligibility, borrowers who attended the institution would not be eligible for a waiver under this section.

The Department also recognizes that sometimes agency actions are ultimately resolved through settlements. We propose that settlements where there is an acknowledgement of wrongdoing would qualify as a final agency action under this section, while settlements that lack such an acknowledgment of wrongdoing would not. We believe this approach is appropriate because the proposed regulation applies if the Department determines the program or institution failed an accountability measure related to student outcomes or failed to provide sufficient financial value.

Institutions would also not be liable for the costs associated with any waivers granted under this section. Because this is an exercise of the Secretary's waiver authority there would not be a liability to seek against an institution. The one exception is for liabilities related to certain loans issued while an institution appeals or requests for an adjustment to its CDR. Liabilities for those amounts are discussed in § 668.206(f).

This waiver would be used only when the termination of the institution's title IV participation occurred for specific reasons. These fall into two categories. The first is the institution's failure of accountability standards based on student outcomes, namely those related to CDRs and Gainful Employment. This includes failures of those measures that occurred in the past when they resulted in loss of title IV eligibility.[43] The Department chose these types of measures because those are situations in which the Department directly measured the outcomes of borrowers in a specific cohort and found the results so lacking that aid could not continue.

An institution would have to fail its CDR or GE metrics enough times to warrant a final action from the Department and that failure would have to be sustained following any appeal options available to the institution or program.

This waiver would not apply to the failure of other metrics that are not directly tied to student outcomes. This includes the calculation of an institution's financial responsibility composite score prescribed in 34 CFR part 668, subpart L or for proprietary institutions, their 90/10 non-Federal revenue calculation prescribed in 34 CFR 668.28. These other performance standards are important but do not directly measure student outcomes.

The Department is not concerned that granting a waiver based upon student outcomes would create an incentive for future borrowers to willfully default on their loans or take other actions that could cause the program to fail the debt-to-earnings or earnings premium measures used in Gainful Employment. First, all these measures operate on the observed outcomes across either all borrowers who entered repayment or all those who received title IV aid and graduated. They also generally require measuring performance across multiple years. The lone exception to this being a one-year CDR in excess of 40 percent, which leads to a loss of loan eligibility. Intentionally failing the measure would require extremely coordinated activity across likely multiple years of students. Making such a situation further unlikely is the fact that the consequences of intentionally failing a measure with uncertain odds of success could be significant. Defaulting on a student loan has significant consequences. Borrowers can see their credit scores plummet and tax refunds seized. Regarding Gainful Employment metrics, borrowers would be having to settle for lower earnings, which has additional effects on their ability to afford basic necessities.

The second type of actions relate to situations where there is a determination that the institution or program failed to deliver sufficient financial value. We propose defining this as findings that an institution engaged in substantial misrepresentations or omissions of fact, misconduct affecting student eligibility, or other similar activities. We chose these situations because those would be cases in which the institution engaged in behavior that affected the value of what a borrower received for their loans. For instance, if the Department terminates aid on a prospective basis because it finds that an institution had been consistently lying to borrowers about their ability to get jobs when in fact internal statistics showed that fewer than half of students obtained employment in the field in which they were being prepared then that is a sign that the borrower did not receive what they were promised. We would also waive repayment of the loans of borrowers who were included in those periods used to determine that the actual employment rates were far lower than what was promised. Waivers

[43] There are some institutions that previously lost title IV eligibility because of failing CDRs, and qualifying loans associated with those institutions would be eligible. By contrast, there are not any programs that previously lost title IV eligibility based on failing GE measures because the prior rule was rescinded before any program lost eligibility, and the new rule does not go into effect until July 2024.

granted because of this section could also include circumstances where the Secretary terminates aid because an institution or program loses accreditation at least in part for the same type of reasons.

The Department recognizes that borrowers eligible for relief under this provision may also be eligible for relief under the Department's other discharge programs, such as borrower defense. As a general matter, the Department does not see a problem with providing overlapping pathways to relief. Such overlaps are not uncommon in the student loan system. For example, there have been many borrowers who have been eligible for both a closed school loan discharge and a borrower defense discharge. In such instances, the Department has opted to proceed with the most operationally efficient discharge since the borrower receives the same benefits under either option. Where possible, the Department intends to provide eligible borrowers relief through other existing discharge programs, such as borrower defense or closed school discharge. But the Department's experience is that there are some circumstances where a borrower may not receive relief under these discharges but meets the conditions of § 30.86(a)(2).

Waivers in this section would not be granted in response to every action the Department takes to terminate aid access at an institution. For instance, an institution that loses access to aid because of financial problems, solely because it closed, or other situations that do not speak to the returns received by students would not be captured here. Because those aid loss circumstances do not relate to the benefit received by borrowers, we do not think it is appropriate to include them here as a waiver. The Department would make the determination as to whether an action meets this requirement for each institution or program.

Final actions under proposed § 30.86 would include those sanctions in 34 CFR part 668, subparts G and H, other final actions stemming from an institution's loss of eligibility under 34 CFR part 600, subpart D, as well as other final action by the Department. As the Department explained during negotiated rulemaking sessions, these final actions are situations where the Secretary or other Departmental official has taken formal action to cease an institution or program's participation in the title IV, HEA programs on a prospective basis.

A non-Federal negotiator encouraged us to include an institution's loss of accreditation as a condition under which the Department could waive repayment of Federal student loan debt and another negotiator believed a more expansive general loss of title IV eligibility should be used as a basis for waiving repayment. The Department concurred and incorporated in § 30.86(a)(2), circumstances when the institution or program loses accreditation as a basis for waiving Federal student loan debt under this proposed section.

Under proposed § 30.86(b), the Department would apply this provision to a borrower's loans received for attending that institution or program during the period that corresponds with the findings or outcomes data that forms the basis for the final action for this waiver. For example, if an institution lost access to title IV aid due to CDRs in excess of the statutory limits for borrowers who entered repayment in 2016, 2017, and 2018, then we would waive repayment of the loans from that institution of borrowers who borrowed during that period. Similarly, if an institution lost access to aid because of substantial misrepresentations in a nursing program in 2023, then we would waive repayment of the loans of borrowers who took out loans for that program in that period of the final action.

Limiting this waiver only to borrowers whose enrollment overlaps during the corresponding period enables the scope of the findings or outcomes data to apply to similarly situated borrowers and provides consistent treatment to all affected borrowers. At the same time, the Department recognizes that there could be unique circumstances in which the period used for the Secretarial action does not fully capture the period during which the Department believes the actions covered by this section otherwise occurred. In such circumstances, proposed § 30.86(b), allows for the Secretary to designate an alternative period for determining a borrower's eligibility for a waiver. Examples of such considerations could be capturing additional years related to CDR failures where the Department has reason to believe an institution would have failed except for efforts to manipulate rates to keep them artificially low. Another instance might also be years that took place after an investigation that led to a Secretarial action and a school action started but the institution later closed making it infeasible for the Department to add the years after its investigation finished to be included in the period of identified conduct. For example, if the Department investigated an institution from 2020 to 2022 and finished the process of a Secretarial action in 2024, after which the school closed, the Secretary may choose to consider whether loans disbursed from 2023 and 2024 should also be considered under this provision.

Finally, the Department also concurred with a non-Federal negotiator who suggested we include an additional paragraph which states that if the conditions of the waiver are met and the loan was repaid by a consolidation loan that has an outstanding balance, the Department would waive the portion of the outstanding balance of the consolidation loan attributable to such loan. We believe that it is logical to waive only the underlying loan that was part of a consolidation loan associated with the final action associated for this waiver. Borrowers who otherwise consolidated their loans would have a pathway toward this waiver and would not lose their opportunities for this waiver because of the consolidation.

The Committee reached consensus on proposed § 30.86.

§ 30.87 Waiver following a closure prior to Secretarial actions.

Statute: Section 432(a) of the HEA (20 U.S.C. 1082(a)) provides that in the performance of, and with respect to, the functions, powers and duties, vested in him by this part, the Secretary may enforce, pay, compromise, waive, or release any right, title, claim, lien, or demand, however acquired, including any equity or any right of redemption.

Current Regulations: None.

Proposed Regulations: Under proposed § 30.87(a)(1), the Secretary may waive the entire outstanding balance of a loan associated with attending an institution or a program at an institution if the institution or program closes and the Secretary or other authorized Department official has determined that, based on the most recent reliable data for an institution or program, the institution or program has not satisfied, for at least a year, an accountability standard based on student's outcomes for determining that institution or program's eligibility for title IV funds. Under proposed §§ 30.87(a)(2)(i) and (ii) the Secretary may also waive the entire outstanding balance of a loan associated with attending a closed institution or a closed program at an institution if the institution or program failed to deliver sufficient financial value to students and is the subject of a Departmental action that remains unresolved at the time of that institution or program's closure, in whole or in part, on certain conduct specified in regulation.

Currently, proposed § 30.87(a)(2)(i) also includes the following language: "this paragraph applies to

circumstances when the institution or program has lost accreditation at least in part due to such activities.'' The intent of the consensus language was to clarify that the underlying finding that supports the Department's determination that an institution or program failed to deliver sufficient financial value under proposed § 30.87(a)(2)(i) could be a finding made by the Department or it could be a finding made by an accreditor that terminated accreditation based at least in part on that finding. Since the committee reached consensus on the language included in 30.87, the Department has included it in these proposed regulations. However, the Department believes that the intent could be stated more clearly as: ''The institution or program has failed to deliver sufficient financial value to students, including in situations where either (A) the Department has determined that the institution or program has engaged in substantial misrepresentations, substantial omissions, misconduct affecting student eligibility, or other similar activities; or (B) the Department has determined that the accrediting agency has terminated its accreditation based at least in part upon a finding that the institution or program has engaged in the activities described in (A).'' The Department invites comments on this possible change.

Under proposed § 30.87(b), a waiver under this section would apply to a borrower's loans received for attending that institution or program during the period that corresponds with the findings or outcomes data. Proposed § 30.87(c) would provide that in the case of Federal Consolidation Loans and Direct Consolidation Loans, the Secretary would waive the portion of the outstanding balance of the consolidation loan attributable to such loan received for attending that institution or program during the period that corresponds with the findings or outcomes data.

Institutions or programs that close where the Secretary determined that the institution or program has not satisfied an accountability standard based on student outcomes would include institutions that fail or failed to meet the CDR standards prescribed in 34 CFR part 668, subpart N and programs that do not lead to Gainful Employment prescribed in 34 CFR part 668, subpart S. An institution or program that failed to deliver sufficient financial value to students would include an institution or program that engaged in: substantial misrepresentations, substantial omissions, misconduct affecting student eligibility, or circumstances around loss of accreditation associated with such activities. The Department would predicate this determination through a program review, investigation, or any other action that remains unresolved at the time of closure and that action as based in whole or in part to the aforementioned misconduct.

Waivers of Federal student loan debt under proposed § 30.87 would apply to actions the Department has taken as soon as one year after the institution or program has not satisfied an accountability standard based on student outcomes. This provision would also apply to an institution or program failing to deliver sufficient financial value to students and was the subject to a program review, investigation, or any other Department action that remains unresolved at the time of closure and that action was based, in whole or in part, on such conduct.

Under these proposed regulations, we would not assess liabilities against the institution as a result of the Secretary waiving a borrower's Federal student loan debt. As such, institutions would not be subject to any request to repay funds waived under this provision.

Reasons: Similar to proposed § 30.86, the Department seeks to capture circumstances where an institution or program failed accountability standards based on student outcomes. The main difference between this provision and § 30.86 is that § 30.87 captures situations in which an institution or program chooses to close before the action becomes final and could be considered under § 30.86. The Department is proposing a separate section to address situations where an institution or program has closed because we have seen past situations where programs or institutions fail accountability measures and voluntarily close, and the closure leaves the Department with insufficient data to conduct a final agency action. The same is true of situations in which the Department begins an investigation or program review related to whether the institution or program is providing sufficient financial value, but the institution or program chooses to close before that investigation or program review is finished. When that occurs, the Department may not finish those processes. In the circumstances described above, the Department believes that it would be reasonable for the Secretary to infer that in the absence of additional data or completion of program review or investigation that the Department would have terminated aid access going forward and the borrower would be eligible for a waiver. In other words, we do not hold borrowers responsible for the Department's inability to obtain necessary additional information. Institutions and programs, meanwhile, are not affected by this inference because they have ceased participation in the title IV programs and would not face any liabilities from these waivers.

While § 30.87 is designed to provide parity with the waivers in § 30.86 so that a borrower is not made worse off because a school decided to close, this provision would not cover all borrowers enrolled at the school at the time of closure. Because the institution closed, borrowers who did not complete and were enrolled at or just before the date of closure would be eligible for a closed school discharge.

Some examples highlight the differences between § 30.86 and § 30.87 that necessitate a separate section. In general, institutions are subject to loss of eligibility to participate in the Direct Loan [44] and Pell Grant [45] programs if that institution's CDR is equal to or greater than 30 percent for each of its three most recent cohort fiscal years. An institution that voluntarily closes to avoid loss of eligibility due to a high CDR would not face sanctions, but those students could still be repaying loans incurred for attendance in what would otherwise be an ineligible institution. Proposed § 30.87 would cover such instances if an institution or program voluntarily closes.

The Department has encountered situations in the past during oversight and compliance measures over institutions and programs where those institutions or programs choose to close before further reviews can be completed. During program reviews, investigations, or other actions, institutions would voluntarily close the institution or program rather than face the consequences of sanctions. Borrowers enrolled at those institutions or programs who did not continue their postsecondary education would be eligible for a closed school loan discharge if the institution closed. But a borrower who completed their program during this period would not be eligible for a closed school discharge. A borrower who graduated, meanwhile, may also not be able to raise a successful defense to repayment claim based on the specific factual circumstances. This provision would provide an alternative path to relief where the Department has sufficient evidence to determine the institution or

[44] Section 435(a)(2) of the HEA (20 U.S.C. 1085(a)(2)).

[45] Section 401(j) of the HEA (20 U.S.C. 1070a(j)).

program did not provide sufficient financial value.

This waiver would operate in a manner separate and distinct from closed school loan discharges. The idea behind closed school loan discharges is to provide relief to borrowers who are left with loan debt and are unable to complete their programs. That is why closed school loan discharges are unavailable to borrowers who graduated. By contrast, the purpose of this waiver is to provide relief to borrowers who did not get the benefit of the bargain of postsecondary education in the sense that their institution or program did not meet required student outcomes standards or failed to provide sufficient financial value, but it closed prior to the final agency action that would have made that determination. The underlying reason for the waiver and for why relief would be appropriate are different from the reason for closed school discharges. Negotiators expressed support for this provision during negotiated rulemaking sessions.

One negotiator encouraged us to also include an institution or program's loss of accreditation as a condition of waiving Federal student loan debt under this section. In response, the Department concurred and incorporated in proposed § 30.87(a)(2)(i) circumstances when the institution or program loses accreditation as a basis for waiving Federal student loan debt.

Similar to § 30.86, this provision would only provide waivers to borrowers who took out loans during the period used to measure student outcomes or for the program review or investigation. For example, if an institution had a high CDR for borrowers who entered repayment in 2019 and then closed, the Department would waive loans taken to attend that institution for borrowers in that repayment cohort. Borrowers whose loans are not included in those periods would not receive a waiver.

The Committee reached consensus on proposed § 30.87.

§ 30.88 Waiver for closed Gainful Employment (GE) programs with high debt-to-earnings rates or low median earnings.

Statute: Section 432(a) of the HEA (20 U.S.C. 1082(a)) provides that in the performance of, and with respect to, the functions, powers and duties, vested in him by this part, the Secretary may enforce, pay, compromise, waive, or release any right, title, claim, lien, or demand, however acquired, including any equity or any right of redemption.

Current Regulations: None.

Proposed Regulations: Under proposed § 30.88(a), the Secretary may waive the entire outstanding balance of a loan received by a borrower associated with enrollment in a GE program if the following conditions are met: the program or institution closed; the GE program was not a professional medical or dental program; and, for a period in which the borrower received loans for enrollment in the GE program, the Secretary has reliable and available data demonstrating that title IV recipients in the GE program failed the debt-to-earnings rates or earnings premium measure described in § 30.88(a)(3).

For purposes of a waiver under § 30.88(a)(3)(i), the GE program would be considered failing if that program had a debt-to-earnings rate greater than 8 percent of their median annual earnings and 20 percent of their median discretionary income. Discretionary earnings would be calculated as median annual earnings minus 150 percent of the Federal Poverty Guideline for a single individual for the measurement year. Denominators of either measures that are zero or negative would be considered a failure if the numerator is a non-zero number. A GE program would also be considered failing if it fails the earnings premium measure described in § 30.88(a)(3)(ii). For the earnings premiums measure, a GE program would be considered failing if the median annual earnings of GE program graduates are equal to or less than the median annual earnings for typical high school graduates in the labor force (*i.e.,* either working or unemployed) between the ages of 25–34. The median annual earnings would be compared to the high school graduates in the State in which the institution is located, or nationally in the case of a GE program at a foreign school, or if fewer than 50 percent of the students in the GE program are from the State where the institution is located.

Under proposed § 30.88(b), a GE program would be identified by its six-digit Classification of Instructional Program (CIP) code, the institution's six-digit Office of Postsecondary Education ID (OPEID) number and the program's credential level. If the Department does not have reliable and available data at the GE program's six-digit CIP code, it would use the four-digit CIP code. The Department would calculate the annual loan payment by determining the median loan debt of students who completed the GE program during the applicable cohort and amortizing that debt based upon the average of the Direct Unsubsidized Loan interest rates based on the applicable credential level and the years preceding the completion year.

Additionally, under proposed § 30.88(c), the Secretary may waive loans received for enrollment in a GE program if the institution closed, and the institution received a majority of its title IV funds for GE programs for which the Department could calculate debt-to-earnings rates and earnings premium measures, and the Department was unable to calculate measures for that program.

Proposed § 30.88(d) would provide that in the case of Federal Consolidation Loans and Direct Consolidation Loans, the Secretary waives the portion of the outstanding balance of the consolidation loan attributable to such loan received for attending that GE program in the corresponding period for which the Secretary is waiving those borrowers' Federal student loan debt.

Reasons: The Department published final regulations related to GE to address ongoing concerns about educational programs that are supposed to prepare students for gainful employment in a recognized occupation but that instead leave them with unaffordable amounts of student loan debt in relation to their earnings, or with no gain in earnings compared to others with no more than a high school education.[46] Going forward, if a program fails to meet the standards required of the GE rates, borrowers may be eligible for waivers under either § 30.86 or § 30.87. However, the Department is also concerned about circumstances in which it has evidence that a program is failing to meet the GE standards and the program closes. Such situations may not result in a waiver under § 30.87 even though the Department knows that the borrowers included in the metrics are facing challenges similar to those where programs formally fail the measures once and then close.

The provisions in § 30.88 particularly would address situations where there have been data showing failures of GE metrics, but they are not necessarily official rates, and the program has closed. For example, during rulemaking processes to establish GE regulations, the Department released debt-to-earnings rates about programs across the country. In January 2017,[47] the Department also produced a round of official rates under the 2014 GE final rule[48] but did not publish subsequent GE rates under those rules. In response to these rates some institutions preemptively closed programs that did

[46] 88 FR 70004 (October 10, 2023).

[47] See January 17, 2017 Gainful Employment Electronic Announcement #100—Upcoming Release of Final Gainful Employment Debt-to-Earnings (D/E) Rates.

[48] 79 FR 64890 (October 31, 2014).

not meet the standards. The Department believes it is important to provide a waiver in these situations because these metrics show similar concerns about the potential that a borrower may be unable to successfully repay their loans. We believe it is reasonable to draw an inference in favor of the borrower since the program closed and there will not be other data available showing the longer-term performance of the program.

While the proposed waiver in § 30.88 would only be available when an institution or program closes, it is distinct from closed school discharge. The purpose of a closed school discharge is to provide relief to a borrower who is unable to complete their program. That is why it excludes graduates from eligibility. By contrast, this proposed waiver would provide relief to borrowers where data shows that the typical borrower who took out loans is not getting the benefit of the bargain. The purpose of the closure requirement is to address how the Department would handle situations where it does not have, and has no way to obtain, additional data that would otherwise be needed to take a final agency action and deny continued title IV participation if the institution or program were to continue to fail the metrics. This section establishes how the Department would go about drawing an inference in favor of the borrower to determine that they did not receive the benefit of the bargain.

Because the circumstances addressed in proposed § 30.88 are not ones where the Department would calculate official GE rates, we have crafted a framework to explain how the Secretary would otherwise assess a GE program's debt-to-earnings rates and earnings premium measure for purposes of this section.

In § 30.88(a)(2) the Department explains that we would not apply this section to GE medical or dental programs. These are GE programs identified as Doctor of Medicine (MD), Doctor of Osteopathy (DO), or Doctor of Dental Science (DDS) based upon their level and CIP code. We propose to not include those programs here because in past versions of the GE regulations we have said that students in these programs would have had their earnings evaluated after a longer time following graduation than other types of programs. The Department does not have data for this longer measurement period so we cannot accurately assess these GE programs.

Section 30.88(a)(3) describes how the Department would calculate whether a program fails to meet GE standards. These definitions for debt-to-earnings and earnings premium are all modeled on how the Department proposes to calculate these measures in the recently finalized GE regulation.[49] The definitions for debt-to-earnings rates are also similar to what was used in the GE regulations finalized in 2014.[50]

The provisions in § 30.88(b) provide greater detail related to how the Department would identify programs as well as how we would calculate typical earnings and debt payments. In § 30.88(b)(1), we propose identifying GE programs by the six-digit CIP code level, or at the four-digit CIP code if we did not have data available. We propose this to mirror the definition of a GE program defined in 34 CFR 668.2. We more fully explain in the 2023 GE final rule[51] our analysis of data coverage and our basis for assessing GE programs at the six-digit CIP code and, where appropriate, the four-digit CIP code to meet the minimum n-size requirements for GE metrics. This approach also recognizes the data limitations that exist related to past data used to assess GE programs.

Other provisions of § 30.88(b) similarly reflect choices made and explained in greater detail in the 2023 GE final rule. This includes how we would calculate the annual loan payment and calculate median annual earnings.

The language in proposed § 30.88(c) addresses circumstances where borrowers attended programs that did not have GE results calculated at an institution that has since closed. It proposes to provide relief to students who borrowed to enroll in a program at an institution that closed in which, prior to the closure, the institution received a majority of its title IV, HEA funds from programs that met the conditions under proposed § 30.88(a)(3) and there were no metrics calculated for that program. Because the majority of the title IV, HEA funds received by the institution went to failing programs, the Secretary could reasonably infer that the title IV, HEA funds that went to other programs for which there were insufficient data would have likely failed, as well, and such borrowers should be granted relief. Loans from programs at such an institution where we did have data showing the program did not fail the GE metrics would not result in a waiver.

Finally, § 30.88(d) clarifies that if the conditions of the waiver are met and the loan was repaid by a Federal Direct Consolidation Loan or a Direct Consolidation Loan that has an outstanding balance, the Department would waive the portion of the outstanding balance of the consolidation loan attributable to such loan. We believe that it is logical to waive the only underlying loan associated with this waiver that was part of a consolidation loan. Borrowers who otherwise consolidated their loans would have a pathway toward this waiver and would not have their chances at a waiver foreclosed because of the consolidation.

The Committee reached consensus on proposed § 30.88. The Department has made one clarifying technical change to this language in paragraph (a)(2) to change the word ''this'' to ''the program.''

[49] 88 FR 70004 (October 10, 2023).

[50] 79 FR 64890 (October 31, 2014).

[51] 88 FR 70035, 70127 (October 10, 2023).

Part 682—Federal Family Education Loan (FFEL) Program

Subpart D—Administration of the Federal Family Education Loan Programs by a Guaranty Agency Waiver of FFEL Program Loan Debt (§ 682.403)

Statute: Section 432(a) of the HEA (20 U.S.C. 1082(a)) provides that in the performance of, and with respect to, the functions, powers, and duties, vested in him by this part, the Secretary may enforce, pay, compromise, waive, or release any right, title, claim, lien, or demand, however acquired, including any equity or any right of redemption.

Current Regulations: None.

Proposed Regulations: Proposed § 682.403(a) would outline the procedures under which the Secretary may determine that a FFEL Program loan held by a guaranty agency or a lender qualifies for a waiver of all or a portion of the outstanding balance and the steps for providing a waiver. Under proposed § 682.403(a)(1), the Secretary would notify the lender that a loan qualifies for a waiver and the lender would submit a claim to the guaranty agency. The guaranty agency would pay the claim, be reimbursed by the Secretary, and assign the loan to the Secretary. After the loan is assigned, the Secretary would grant the waiver. Proposed § 682.403(a)(2) would define the terms ''the lender'' and ''the guaranty agency'' for the purposes of waiver claims under proposed § 682.403.

Proposed § 682.403(b) would specify the conditions under which the Secretary waives FFEL Program loans held by a guaranty agency or a lender. A FFEL Program loan would qualify for a waiver under one of the following conditions—

- The loan first entered repayment on or before July 1, 2000;
- The borrower has not applied for, or not successfully applied for, a closed

school discharge but otherwise meets the eligibility requirements for the discharge; or

- The loan was received for attendance at an institution that lost its eligibility to participate in any title IV, HEA program because of its CDR and the borrower was included in the cohort whose debt was used to calculate the CDR or rates that were the basis for the loss of eligibility.

Proposed § 682.403(c) would provide that if the Secretary determines that a loan qualifies for a waiver, the Secretary notifies the lender and directs the lender to submit a waiver claim to the applicable guaranty agency and to suspend collection activity, or maintain a suspension of collection activity, on the loan.

Proposed § 682.403(d) would describe the waiver claim procedures. Under proposed § 682.403(d)(1), the guaranty agency would be required to establish and enforce standards and procedures for the timely filing of waiver claims by lenders.

Proposed § 682.403(d)(2) would require the lender to submit a claim for the full outstanding balance of the loan to the guaranty agency within 75 days of the date the lender received the notification from the Secretary. Under proposed § 682.403(d)(3), the lender would be required to provide the guaranty agency with an original or a true and exact copy of the promissory note and the notification from the Secretary when filing a waiver claim. Proposed § 682.403(d)(4) would allow a lender to provide alternative documentation deemed acceptable to the Secretary if the lender is not in possession of an original or true and exact copy of the promissory note.

Proposed §§ 682.403(d)(5) and (d)(6) would require the guaranty agency to review the waiver claim and determine whether it meets the applicable requirements. If the guaranty agency determines that the claim meets the requirements specified in proposed §§ 682.403(d)(3) and 682.403(d)(4) the guaranty agency would be required to pay the claim within 30 days of the date the claim was received.

Under proposed § 682.403(d)(7) the lender would be required to return any payments received on the loan during the suspension of collection activity or after receiving the claim payment to the sender.

Under proposed § 682.403(d)(8) the Secretary would reimburse the guaranty agency for the full amount of a claim paid to the lender after the agency pays the claim to the lender. Proposed § 682.403(d)(9)(i) would require the guaranty agency to assign the loan to the Secretary within 75 days of the date the guaranty agency pays the claim and receives the reimbursement payment. If the guaranty agency is the loan holder, under proposed § 682.403(d)(9)(ii) the guaranty agency would be required to assign the loan on the date that the guaranty agency receives the notice from the Secretary.

After the guaranty agency assigns the loan, the Secretary may waive the borrower's obligation to repay up to the entire outstanding balance of the loan, as provided under proposed § 682.403(d)(10). After the Secretary grants the waiver, under proposed § 682.403(d)(11) the Secretary would notify the borrower, the lender, and the guaranty agency that the borrower's obligation to repay the debt or a portion of the debt, has been waived.

Proposed § 682.403(e)(1) would require a guaranty agency to return any payments received on the loan during the suspension of collection activity or after the guaranty agency assigned the loan to the Secretary. The guaranty agency would also be required to notify the borrower that there is no obligation to make payments on the loan unless the borrower received a partial waiver or unless the Secretary directs otherwise. Under proposed § 682.403(e)(2), the guaranty agency would remit to the Secretary any payments received after it has notified the borrower. Under proposed § 682.403(e)(3), if the Secretary receives any payments on the loan after waiving the entire outstanding balance on the loan, the Secretary would return these payments to the sender.

Proposed § 682.403(f) would provide that if the conditions for a waiver specified in proposed § 682.403(b) are met on a loan that has been repaid by a Federal Consolidation Loan with an outstanding balance, the Secretary may waive the portion of the outstanding balance of the consolidation loan attributable to the loan that qualifies for waiver once the loan has been assigned to the Secretary.

Reasons: The proposed regulations applicable to FFEL Program loans held by a guaranty agency or lender are intended to mirror some of the proposed regulations in 34 CFR part 30 that would apply to FFEL Program loans held by the Department. Since no new FFEL Program loans have been made on or after July 1, 2010, some of the provisions in part 30 that would apply to Direct Loans are not applicable to FFEL Program loans. Therefore, the proposed FFEL-only regulations are more limited than the proposed regulations that would apply to all student loans held by the Department.

In proposed § 682.403(b)(1) the Department proposes to provide a waiver for a FFEL loan that first entered repayment at least 25 years ago. The Department proposes a different time in repayment requirement for FFEL loans from what is in proposed § 30.83 because the version of IBR that is available in the FFEL program only provides forgiveness after 25 years of payments. There is no forgiveness option after 20 years the way there is for Department-held loans.

The Department proposes to include § 682.403(b)(1) because we are concerned that borrowers who first entered repayment a long time ago may not be able to repay their loans in a reasonable period. It would come with full compensation for the outstanding balance to lenders. The existence of repayment plans that provide forgiveness after an extended period in repayment indicates Congress's concern with borrowers being stuck in repayment for an unreasonable period of time and reflects Congress's intent that borrowers have paths to relief, so they are not stuck with their loans forever. We are concerned that many borrowers with older loans have spent years, if not decades, in repayment before being able to benefit from those options and might otherwise be trapped by their debts until they pass away. We have proposed applying this provision to loans that entered repayment on or before the July 1, 2000, because these borrowers will have been in repayment for all or part of 25 calendar years or more when the regulation is implemented. This approach reflects the more limited data the Department has in its possession about commercial FFEL borrowers. We are proposing 25 years because FFEL borrowers have access to an income driven repayment plan that provides forgiveness after 25 years. Similar to proposed § 30.83, this provision would only be exercised once per borrower.

The Committee did not reach consensus on proposed § 682.403(b)(1).

The Committee did reach consensus on proposed §§ 682.403(b)(2) and 682.403(b)(3), which would provide waivers for FFEL borrowers who qualify for, but have not received, a closed school discharge and for borrowers who attended an institution that lost its title IV eligibility due to high CDRs, if the borrower was included in the cohort whose debt was used to calculate the CDRs that were the basis for the loss of eligibility. Regarding waivers based on a school's loss of title IV eligibility, the Department modified proposed §§ 682.403(b)(3) by adding clarifying language specifying that the borrower's loan must have been in the cohort of

loans that resulted in the school losing title IV eligibility for a borrower to qualify for a waiver under this provision.

The Department proposes waivers for closed school discharges because that is a forgiveness opportunity that is available to FFEL borrowers which we are concerned that many eligible borrowers do not appear to be aware of and, as a result, may be unnecessarily struggling with unaffordable loans. For example, a 2021 study by the Government Accountability Office found that at least 42 percent of discharges from 2013 to 2021 were automatic discharges, indicating that a substantial share of borrowers may not have been aware of the potential for discharge or may have struggled with the application.[52] Further, more than half of borrowers who received an automatic discharge were in default on their loans, and an additional 21 percent had experienced at least one delinquency spell that lasted 90 days or longer.[53] Exercising waivers in these situations would help borrowers who have a high likelihood of being in default for loans that they should not have to repay.

The Department proposes to include waivers for borrowers who took out loans that are captured in CDRs that led to institutional ineligibility because we are concerned that when the Secretary cuts off aid to an institution for this reason it is a sign that a borrower is not getting the benefit of the bargain. This provision provides equitable treatment for the borrowers whose results showed their loans were not faring well with those who were protected after that point because the institution was no longer eligible to participate in the Federal student loan programs. One of the non-Federal negotiators urged the Department to provide FFEL regulations that were robust, clear, and detailed. The Department responded by providing detailed proposed FFEL regulations outlining the waiver claims filing process for waivers granted to FFEL borrowers whose loans are held by a private lender or a guaranty agency. These proposed regulations are modeled on the regulations in § 682.402 governing other loan discharges in FFEL, specifically the regulations governing total and permanent disability (TPD) discharges. As with TPD discharges, the Department would make the determination of eligibility, rather than the lender or the guaranty agency before a claim is filed. The Department would then direct the lender to file a claim with the guaranty agency. The claim would be for the outstanding balance of the loan less any unpaid late fees and unpaid collection costs. The process for filing and paying the claim and assigning the loan to the Department would be essentially the same process used for TPD discharge claims. In the case of a consolidation loan, the claim would be for the outstanding principal and interest of the consolidation loan, even if only a portion of the consolidation loan qualifies for a waiver. After the guaranty agency pays the claim and the Department reimburses the guaranty agency, the guaranty agency assigns the consolidation loan to the Department. The Department would then waive repayment on the portion of the consolidation loan attributable to loans eligible for a waiver. This is consistent with proposed § 682.403(f) and several other provisions in these proposed regulations that allow the Secretary to waive a portion of a Federal Consolidation Loan (or, for Direct Loans, a Direct Consolidation Loan) if one or more of the underlying loans qualifies for a waiver. The Department would then resume collection on the portion of the consolidation loan that was not waived.

The suspension of collection activity, which is generally authorized for brief periods during which an application is submitted, or a claim is filed, would be deemed to be a forbearance in cases where payment resumes on the loan after it has been assigned to the Secretary.

Once a FFEL Program loan is assigned to the Department, the Department would be responsible for furnishing information about the loan to consumer reporting agencies and would report the reduction or elimination of the outstanding balance to consumer reporting agencies after granting the waiver. Guaranty agencies and lenders would only be responsible for reporting that the loan has been assigned to the Department, as they currently do for TPD discharges.

During negotiated rulemaking, the Department proposed providing more time for the claims process, giving 75 days for a lender to submit a claim, and 75 days for the guaranty agency to pay the claim. The Department believes that the timeframes are appropriate, since the Department will have already determined that the borrower qualifies for a waiver before notifying the lender. There would be no requirement that the lender or guaranty agency conduct an additional review of borrower eligibility. Therefore, the claims process would be entirely administrative on the part of the lender and the guaranty agency. There would be no need for a guaranty agency or lender to review an application or to request additional information from a borrower, which is sometimes the case with other loan discharges. However, the Department acknowledges that initially there may be a large volume of FFEL borrowers qualifying for the waivers specified in § 682.403. Therefore, we would work with guaranty agencies and lenders who may have difficulty meeting these timeframes and be flexible in enforcing the requirements in proposed §§ 682.403(d)(2) and 682.403(d)(9).

The Committee did not reach consensus on the proposed regulations in §§ 682.403(a), (c), (d), (e) and (f) that would establish the procedures for processing a waiver claim and stipulate that if the conditions for a waiver are met on a loan that has been consolidated, the Secretary would waive repayment of the portion of the consolidation loan attributable to the loan that qualifies for waiver.

After the third negotiating session, the Department determined that it would be appropriate to specify in regulation that, when filing a waiver claim, a lender may provide alternative documentation in the event that the lender does not possess the original promissory note or a true and exact copy of the promissory note. This is consistent with the Department's practice with regard to accepting alternative documentation for loan assignments.

The Department also noted that the proposed regulations did not address the treatment of payments received after the Department has notified the lender that the loan qualifies for a waiver and before the payment of a waiver claim. Therefore, the Department added proposed language specifying that payments on the loan received during the suspension of collection activity—which would occur at the start of the waiver claim process—would be returned to the sender by either the lender or by the guaranty agency, as applicable. The Department believes that returning payments at this stage of the process is appropriate, because the Department has already determined that the borrower's loan qualifies for a waiver. Accepting payments inadvertently submitted on a loan that may have its entire outstanding balance waived would unnecessarily deprive the borrower of the payment amounts submitted.

[52] GAO–21–105373, COLLEGE CLOSURES: Many Impacted Borrowers Struggled Financially Despite Being Eligible for Loan Discharges *https://www.gao.gov/assets/gao-21-105373.pdf.*

[53] Ibid.

Executive Orders 12866 (as Modified by 14094) and 13563

Regulatory Impact Analysis

Under Executive Order 12866, the Office of Management and Budget (OMB) must determine whether this regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive Order and subject to review by OMB. Section 3(f) of Executive Order 12866, as amended by Executive Order 14094, defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $200 million or more (adjusted every 3 years by the Administrator of OIRA for changes in gross domestic product), or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, territorial, or Tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise legal or policy issues for which centralized review would meaningfully further the President's priorities, or the principles stated in the Executive Order, as specifically authorized in a timely manner by the Administrator of OIRA in each case.

This proposed regulatory action will have an annual effect on the economy of $200 million or more. Table 4.1 in this RIA provides an estimate of the net budget effects of each provision of this proposed rule. We also provide estimates of the administrative costs for these provisions. Because the net budget effect is larger than $200 million a year, this proposed regulatory action is subject to review by OMB under section 3(f) of Executive Order 12866 (as amended by Executive Order 14094). Notwithstanding this determination, we have assessed the potential costs and benefits, both quantitative and qualitative, of this proposed regulatory action and have determined that the benefits will justify the costs.

We have also reviewed these regulations under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only on a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing these proposed regulations only on a reasoned determination that their benefits would justify their costs. In choosing among alternative regulatory approaches, we selected those approaches that in the Department's estimation best balance the size of the estimated transfer and qualitative benefits and costs. Based on the analysis that follows, the Department believes that these proposed regulations are consistent with the principles in Executive Order 13563.

We have also determined that this regulatory action will not unduly interfere with State, local, territorial, and Tribal governments in the exercise of their governmental functions.

As required by OMB Circular A–4, we compare the proposed regulations to the current regulations. In this regulatory impact analysis, we discuss the need for regulatory action, the summary of key proposed provisions, potential costs and benefits, net budget impacts, and the regulatory alternatives we considered.

Elsewhere in this section under *Paperwork Reduction Act of 1995,* we identify and explain burdens specifically associated with information collection requirements.

1. Congressional Review Act Designation

Pursuant to the Congressional Review Act (*5 U.S.C. 801 et seq.*), the Office of Information and Regulatory Affairs designated that this rule is covered under *5 U.S.C. 804(2)* and *(3).*

2. Need for Regulatory Action

Postsecondary education is a critical pathway for entering and succeeding in the middle class. Generally, earning a postsecondary credential provides individuals with a range of personal benefits in the labor market, including higher income and lower unemployment risk.[54] In addition to individual benefits related to earnings and employment, additional education provides a host of individual benefits including greater access to benefits like health insurance, increased job satisfaction and overall happiness.[55] Increasing levels of postsecondary attainment also have spillover benefits for communities and society that benefit those who never attended or completed postsecondary education. For example, researchers have documented that wages of non-college graduates rise when the supply of college graduates increases.[56] Increases in education is also linked to higher civic participation, reduced crime, and improved health of future generations.[57]

The high price of postsecondary education, however, means that large

[54] Barrow, L. & Malamud, O. (2015). Is College a Worthwhile Investment? *Annual Review of Economics,* 7(1), 519–555. Card, D. (1999). The Causal Effect of Education on Earnings. *Handbook of Labor Economics,* 3, 1801–1863.

[55] Oreopoulos, P. & Salvanes, K.G. (2011). Priceless: The Nonpecuniary Benefits of Schooling. *Journal of Economic Perspectives,* 25(1), 159–184.

[56] Moretti, Enrico. ''Estimating the social return to higher education: evidence from longitudinal and repeated cross-sectional data.'' *Journal of econometrics* 121, no. 1–2 (2004): 175–212.

[57] Currie, Janet, and Enrico Moretti. ''Mother's education and the intergenerational transmission of human capital: Evidence from college openings.'' *The Quarterly journal of economics* 118, no. 4 (2003): 1495–1532; Lochner, Lance, ''Nonproduction Benefits of Education: Crime, Health, and Good Citizenship,'' in E. Hanushek, S. Machin, and L. Woessmann (eds.), *Handbook of the Economics of Education,* Vol. 4, Ch. 2, Amsterdam: Elsevier Science (2011); Ma, Jennifer, and Matea Pender. *Education Pays 2023: The Benefits of Higher Education for Individuals and Society.* Washington, DC: College Board. Milligan, Kevin, Enrico Moretti, and Philip Oreopoulos. ''Does education improve citizenship? Evidence from the United States and the United Kingdom.'' *Journal of public Economics* 88, no. 9–10 (2004): 1667–1695.; Lochner, Lance, and Enrico Moretti. ''The effect of education on crime: Evidence from prison inmates, arrests, and self-reports.'' *American economic review* 94, no. 1 (2004): 155–189.

shares of Americans seeking postsecondary credentials rely on Federal student loans to pay for college.[58] Though the rate of student borrowing has declined slightly in recent years, there have been appreciable changes in who borrows for college and how much debt they have taken on over the last several decades.[59] For instance, in the early 1990s, approximately one-third of full-time undergraduates received Federal student loans.[60] Following the Great Recession, the total dollar amount of annual student loan borrowing increased, reaching a peak in the 2010–11 school year.[61] These trends are shown in Table 2.1.

TABLE 2.1—SHARE OF FULL-TIME UNDERGRADUATES BORROWING FOR COLLEGE AND AMOUNT BORROWED

Academic year	Share borrowing federal loans %	Average amount borrowed in given year (2019–20 dollars)	Median amount borrowed in given year (2019–20 dollars)
2003–2004	46	$7,419	$6,306
2007–2008	52	9,101	6,804
2011–2012	53	8,417	7,347
2015–2016	50	8,643	7,017
2019–2020	42	6,526	6,250

Note: Excludes Parent PLUS loans. Data comes from the 2016 and 2020 National Postsecondary Aid Study (available at *https://nces.ed.gov/datalab/powerstats/table/moxnjs* and *https://nces.ed.gov/datalab/powerstats/table/kwjatm*).

Federal student loans allow students and families who lack the necessary funds to pay for postsecondary education with their current resources to borrow money to pay for that education that can be repaid using the earnings gains that come from obtaining a credential. While this works out for many borrowers, too often Federal loans do not have the intended result.

Student loan debt can add to the risk of going to college, because students who experienced an income shock, had bad luck in the job market, or went to a school that misled them about benefits can be burdened by their loan debt obligations. For some borrowers, the extent of debt needed to finance a credential is more than they can sustain from the earnings gains they obtained. These borrowers may see some returns from their education, but they aren't sufficient to repay their debt in a reasonable timeframe.

Many borrowers with lower incomes or who are otherwise financially vulnerable, such as retirees and those who have reported challenges making ends meet, have struggled to meet their student loan payments.[62] Student loan payment challenges are also commonly faced by borrowers who do not complete their credentials. An estimated 40 percent of borrowers who began postsecondary education in 2012 had student debt, but did not have a degree five years later.[63] Individuals with greater educational attainment tend to have higher earnings, and borrowers who do not complete their educational programs are particularly likely to have poor labor market outcomes.[64] Borrowers with debt but no degree can be in a situation where they borrowed in anticipation of degree-boosted earnings, but instead need to manage loan payments without such wage gains.

Through other actions, the Department is working to make certain that students gain value from their postsecondary education. For instance, the Department published final Financial Value Transparency and Gainful Employment rules in 2023 that aim to protect borrowers from career-training programs that do not provide sufficient financial value for their graduates and to better inform all families about the financial returns they could expect from programs.[65] Those actions are forward looking, however, and do not address some of the challenges faced by students in the past. For example, once fully implemented, the 2023 Financial Value Transparency and Gainful Employment rules will rely on outcomes data from previous students to prevent future students from using federal aid for programs where students are unlikely to be able to afford their debt payments. However, while future students will gain protection, past students whose experiences were documented have limited avenues for relief.

The potential debt relief contemplated in this proposed rule could help some borrowers who receive relief to better afford necessities, prepare for retirement, invest in other assets, and safeguard against financial shocks. This relief may also help guard against a ''chilling effect'' on postsecondary attainment, as prospective students may avoid higher education due to the negative consequences of debt experienced by many middle-income and low-income borrowers. And if students decide not to attend higher education because they are worried about the risk related to student loans, then communities, and the country clearly will miss out on the aforementioned benefits that increasing levels of postsecondary education brings, including higher economic growth, higher civic participation, reduced crime, and improved health.

Challenges with repaying Federal student loans manifest in several ways in broader trends within the portfolio. Prior to the start of the national pause on student loan interest, repayment, and collections in 2020, about one million borrowers a year defaulted on their Federal student loans for the first

[58] According to 2022 Digest of Education Statistics (Table 331.10), 34.6 percent of undergraduates received Federal student loans for the 2019–20 academic year.

[59] Fry, Richard. ''The changing profile of student borrowers.'' (2014). Pew Research Center. *https://www.pewresearch.org/social-trends/2014/10/07/the-changing-profile-of-student-borrowers/.*

[60] U.S. Department of Education, National Center for Education Statistics. Digest of Education Statistics 2022. Table 331.60.

[61] Ma, Jennifer and Matea Pender (2023), Trends in College Pricing and Student Aid 2023, New York: College Board.

[62] *https://www.census.gov/library/stories/2021/08/student-debt-weighed-heavily-on-millions-even-before-pandemic.html; https://www.philadelphiafed.org/-/media/frbp/assets/consumer-finance/reports/cfi-sl-1-payments-resumption.pdf; https://www.aarp.org/money/credit-loans-debt/info-2021/student-debt-crisis-for-older-americans.html.*

[63] *https://nces.ed.gov/datalab/powerstats/table/Lcvndq.*

[64] Looney, Adam and Constantine Yannelis. ''A Crisis in Student Loans? How Changes in the Characteristics of Borrowers and in the Institutions they Attended Contributed to Rising Loan Defaults.'' *Brookings Papers on Economic Activity,* 2015; Ma, Jennifer, and Matea Pender. *Education Pays 2023: The Benefits of Higher Education for Individuals and Society.* Washington, DC: College Board.

[65] 88 FR 70004 (October 10, 2023).

time.[66] While some of these borrowers will successfully exit default, many others will likely remain in default for years if not decades. According to analysis of the Department's internal data, as of the end of 2020, there were about 1.5 million borrowers with ED-held loans in default who had been in that status for at least nine years.

The proposed regulations would permit the Secretary to provide relief to borrowers in the form of waiving some or all of the outstanding balance of a loan. The Secretary could provide this relief to borrowers where collection is not in the interest of the Department because certain borrowers would not otherwise have access to relief that is appropriate under the circumstances. In some cases, the proposed relief aligns to changes in the student loan programs that have recognized the necessity of relief, but where such changes took effect after the point at which many borrowers obtained their loans. These subsequent changes implicate considerations of equity and fairness, as well as the low likelihood of a borrower repaying the loan in a reasonable time period, and the costs of enforcing the debt which are not justified by the expected benefits of continued collection.

The proposed rules address several distinct situations where the Department believes the use of waiver is appropriate. Though a borrower may qualify for a waiver under multiple provisions, each of these proposed regulatory sections is distinct and separate from the other.

One section of the proposed rule would address situations where borrowers have loan balances that exceed what they originally borrowed. This provision would address the problem of prior excess interest accrual and capitalization, which the Department has considered at length.[67] The Department has addressed these problems going forward through the SAVE repayment plan that limits the accrual of unpaid interest when borrowers make their required payments, as well as separate regulatory changes that eliminated all non-statutory capitalization events starting July 1, 2023.[68] But these new policies do not provide relief to borrowers with years or even decades of accrued interest, and such borrowers continue to experience the harms of excess interest as described below.

Any loan subject to interest requires a borrower to repay more than the original balance of the loan. For example, a $10,000 loan with a five percent interest that is repaid over 10 years would result in total payments of just over $12,700. However, when a borrower's outstanding balance exceeds what they originally borrowed, they will need to pay significantly more to retire their debts than they would have under the repayment schedule they had at the start of repayment. This can extend the borrower's time in repayment, including the possibility that a loan is never repaid. As the Department has noted in prior regulatory actions that address interest accrual and capitalization going forward, borrowers whose balances have grown excessively may experience additional psychological and financial barriers to repayment and be more likely to fall into delinquency or default.[69] Since the new policies reflected in the SAVE plan do not address prior balance growth, many borrowers with years of accrued interest face the negative effects of excess interest accrual. Indeed, many comments that the Department received in July 2023 when the Department solicited input from the public at the start of the student debt relief negotiated rulemaking process, similarly shared that balance growth has negative psychological effects on repayment. Many borrowers expressed that they felt that having unanticipated balances that far exceeded what they had originally borrowed made it impossible to ever repay their loans and indicated that they would be better able to afford their debts if balances could be brought down to the amount they originally borrowed and expected to repay. Borrowers who spoke during the public comment periods provided during negotiated rulemaking sessions reiterated these concerns.

The proposed rules contain a separate section that focuses on loans that first entered repayment a long time ago and are still outstanding. Under the standard repayment plan borrowers repay their debt over 10 years by making equal monthly installments. More recently, borrowers have increasingly turned to IDR plans that provide forgiveness after either 20 or 25 years when the borrower makes payments that are largely driven by their income and family size. As a result, essentially every borrower has access to a repayment option that allows them to be debt-free by some point between 10 and 25 years of repayment.

Unfortunately, many borrowers see their loans persist long past these points. Many of these borrowers have spent considerable time in default where they are already subject to powerful collection tools that can result in the garnishment of wages, seizure of tax refunds, negative credit reporting, and even litigation. Analysis of Department data reveals that among borrowers who entered repayment over 25 years ago and whose loans are still outstanding, 74 percent have been in default at some point, while among borrowers whose loans matured over 20 years ago, 64 percent have been in default at some point. Analysis by the Urban Institute suggested that of borrowers who took out loans before 1990 and who still had debt recorded on their consumer report in 2018, 16 percent were in default on some or all of their student debt as of 2018.[70]

Borrowers with older loans also would not have initially been eligible for the significant number of additional benefits created for borrowers over the last several years. The presence of these benefits, such as reduced payments and shorter timelines to forgiveness, may have helped many of these borrowers better manage their debt and retire it sooner.

Furthermore, loans that have been in repayment for a long time tend to be held by older borrowers who are closer to or beyond retirement age, at which point their income may decline. Analysis of Department data reveals that among borrowers who entered repayment 20 years ago and whose loans are still outstanding, the median borrower age was 54 years, and 64 percent are older than the age of 50.

[66] *https://studentaid.gov/sites/default/files/DLEnteringDefaults.xls.*

[67] See, *e.g.,* 88 FR 43820, 43851 (July 10, 2023).

[68] *Id.;* 87 FR 65904, 65957 (November 1, 2022).

[69] *See, e.g.* 88 FR 43820, 43951 (July 10, 2023); 88 FR 1894, 1905 (January 11, 2023); 87 FR 41878 (July 13, 2022), 41919; 87 FR 65904, 65957 (November 1, 2022).

[70] Blagg, Kristin. (2020) When Student Loans Linger: Characteristics of Borrowers Who Hold Loans Over Multiple Decades. Urban Institute. *https://www.urban.org/sites/default/files/publication/101492/when_student_loans_linger.pdf.*

A different provision of the proposed rule addresses the challenge where borrowers continue to repay loans even though, if they applied, they would be eligible to have their debts forgiven, either through one of the IDR plans or targeted forgiveness opportunities authorized by the HEA, such as PSLF. Historically, the Department has seen that borrowers frequently are not aware of the steps they need to take to get relief and end up making payments or put themselves at avoidable risk of default and delinquency. For example, for years, the Department had a data match with the Social Security Administration that identified borrowers who were eligible for a total and permanent disability discharge. Despite being told they were eligible, hundreds of thousands of borrowers did not apply.

In 2021, the Department changed its regulations to automatically provide a discharge to borrowers identified as eligible for this benefit through this match. This included an option for borrowers to opt out. As a result, 323,000 borrowers received discharges for the first time when the Department re-ran this match with the new policy and thousands more continue to be approved for automatic relief each quarter.[71] Policies like the automatic discharges based upon the SSA match show the importance of using approaches that grant forgiveness to borrowers without requiring them to find out about benefits and apply, one of the key goals behind this proposed provision.

Similarly, a substantial share of borrowers fail to or delay recertifying their income for purposes of an IDR plan after their first year in the plan, even when it appears that remaining on IDR would benefit them financially.[72] Transaction costs and lack of information, among other factors, can negatively impact take-up of public and social programs. This is not unique to student loans, as evidenced from a wide variety of programs such as those related to food and income supports also demonstrate that not all who can benefit actually sign up.[73] However, take-up of social programs can be increased by reducing administrative costs and burdens, including by having automatic enrollment.[74]

Finally, there are many borrowers who received loans to attend programs or institutions that lost access to the title IV, HEA programs after those programs or institutions failed to meet required accountability standards, failed to deliver sufficient financial value, or closed during the process to determine whether the institution or program should lose access to title IV aid for those reasons. In these situations, the Department or other entities took action to protect borrowers and taxpayers from the harms caused by these programs or institutions. However, students who borrowed to enroll in programs or institutions that later lost access to the title IV, HEA programs and whose experiences were captured in the outcomes measures that lead to such protection, are still left to repay the debt.

The Department is concerned that requiring such borrowers to continue to repay their debts puts them at increased risk of default and delinquency due to the identified flaws at the program or institution. For example, the recent Financial Value Transparency and Gainful Employment regulations (88 FR 70004) (2023 GE rule) protect students from financial harm that can come about if they attend a Gainful Employment program that consistently produces graduates with very low earnings or earnings that are too low to repay typical debt. If the experience of borrowers upon which those failing outcome measures are based are used to support cutting off future title IV aid to the institution, then those borrowers who attended these failing programs should also receive similar protections.

The Department believes that these proposed regulations would appropriately address the challenging situations outlined above that can affect the likelihood that a borrower repays their loan in a reasonable timeframe. Through these targeted and distinct exercises of waiver the Department would deliver relief to borrowers who need the assistance, while continuing to collect from borrowers who are able to repay.

Summary of Proposed Key Provisions

Table 2.2 below summarizes the proposed provisions in the NPRM. It does not include technical changes.

TABLE 2.2—SUMMARY OF PROPOSED KEY PROVISIONS

Provision	Regulatory section	Description of proposed provision
Use of Federal Claims Collections Standards (FCCS).	§ 30.70(a)(1)(c)(1)	Indicate the Secretary may use the FCCS standards to determine whether to compromise a debt.
Creation of a new subpart related to waiver	§ 30.80	Create a new section identifying when the Secretary may waive Federal student loan debt owed to the Department.
Waiver when current balance exceeds the balance upon entering repayment for borrowers on an income-driven repayment plan.	§ 30.81	The Secretary may waive the amount by which a loan's current outstanding balance exceeds the balance upon entering repayment for borrowers in an income-driven repayment plan whose income falls at or below certain thresholds.
Waiver when the current balance exceeds the balance upon entering repayment.	§ 30.82	The Secretary may waive the lesser of $20,000 or the amount by which a loan's current outstanding balance exceeds the balance upon entering repayment for borrowers who do not meet the requirements of § 30.81.
Waiver when a loan first entered repayment 20 or 25 years ago.	§ 30.83	The Secretary may waive outstanding loan balances for a loan that first entered repayment on or before July 1, 2000 or July 1, 2005, depending on whether a borrower has loans for graduate study.
Waiver when a borrower is eligible for forgiveness based upon repayment plan.	§ 30.84	The Secretary may waive outstanding loan balances if a borrower is not enrolled in but is otherwise eligible for forgiveness under certain repayment plans.

[71] *https://www.ed.gov/news/press-releases/over-323000-federal-student-loan-borrowers-receive-58-billion-automatic-total-and-permanent-disability-discharges.*

[72] Herbst, Daniel. ''The impact of income-driven repayment on student borrower outcomes.'' *American Economic Journal: Applied Economics* 15, no. 1 (2023): 1–25.; Conkling, Thomas S., and Christa Gibbs. ''Borrower experiences on income-driven repayment.'' *Consumer Financial Protection Bureau Office of Research Reports Series* 19–10 (2019).

[73] See the review in Ko & Moffit (2022). Take-up of Social Benefits. *NBER Working Paper 30148.* Also see various articles in ''Administrative Burdens and Inequality in Policy Implementation'' Part I and Part II in *RSF: The Russell Sage Foundation Journal of the Social Sciences,* volume 9, issues 4 and 5, 2023.

[74] Currie, Janet (2006). The Take-up of Social Benefits. In *Public Policy and the Income Distribution.* Russell Sage Foundation. Herd & Moynihan (2018). *Administrative Burdens.* Russell Sage Foundation.

TABLE 2.2—SUMMARY OF PROPOSED KEY PROVISIONS—Continued

Provision	Regulatory section	Description of proposed provision
Waiver when a loan is eligible for a targeted forgiveness opportunity.	§ 30.85	The Secretary may waive the outstanding balance of a loan when the Secretary determines that a borrower has not successfully applied for, but otherwise meets the eligibility requirements for, any loan discharge, cancellation, or forgiveness opportunity under part 682 or 685.
Waiver based upon Secretarial actions	§ 30.86	The Secretary may waive the outstanding balance of a loan if the institution or program has lost access to title IV, HEA programs for reasons stemming entirely or in part to failing accountability standards related to student outcomes or failing to deliver sufficient financial value.
Waiver following closures prior to Secretarial actions	§ 30.87	The Secretary may waive the outstanding balance of a loan used to enroll in a program or institution that failed to meet required student outcome measures or which was subject to an unresolved Department action related to failing to provide sufficient financial value, and the program or institution closed prior to the finalization of such actions.
Waiver for programs with high debt-to-earnings rates or low median earnings.	§ 30.88	The Secretary may waive the outstanding balance of a loan used to enroll in a program or institution that closed and prior to the closure had unacceptably high debt-to-earnings rates or median earnings that failed to exceed those of a high school graduate.
Waiver of commercial FFEL debts	§ 682.403	Lays out procedures for paying claims to FFEL loan holders so the Secretary may waive commercial FFEL loans that first entered repayment at least 25 years ago, that are eligible for a closed school loan discharge where a borrower has not successfully applied, or owed by a borrower in the cohort whose debt was used to calculate the institution's failing cohort default rates that resulted in ineligibility for title IV, HEA programs.

3. Discussion of Costs, Benefits and Transfers

Overall, the proposed rules would result in costs in the form of transfers from the Federal Government to student loan borrowers. The size of these transfers would vary based upon the regulatory provision in question. The Department believes that these transfers provide significant benefits to borrowers in the form of waiving their obligation to repay some or all of their Federal student loan debt. The Department would also see benefits from waivers granted as a result of the provisions in these draft rules by preventing or reducing costly collection on loans that are unlikely to be repaid in a reasonable period. Similar benefits would accrue to private holders of loans from the FFEL Program. Finally, the proposed rules would result in some costs in the form of administrative expenses for the Department to implement these provisions. When considering all these factors, the Department believes that the benefits from these proposed rules outweigh the costs. What follows is a discussion of costs, benefits, and transfers for each of the distinct regulatory provisions.

Data Used in This RIA

This section describes the data used in the regulatory impact analysis. To generate information about the expected number of borrowers who would receive relief under these proposed rules, the Department relied upon non-public records contained in the administrative data the Department uses to administer the title IV, HEA programs.

The primary data used in the RIA is a five percent random sample of the Federal student loan portfolio with at least one open title IV, HEA student loan as of December 31, 2023. We are using a random sample including over two million borrowers, but we present all estimates in the analyses below in terms of the full portfolio. The data we use for modeling in the RIA are stored in the National Student Loan Data System (NSLDS), maintained by the Department's Office of Federal Student Aid. The Department determined that a sample of this size was appropriate to provide reasonable estimates of the impact of the proposed regulation. A sample of this size is also similar to what the Department uses in budgeting modeling and the modeling of net budget impacts of its rules.

To provide context for data on which borrowers would be affected by different provisions, Table 3.1 describes the characteristics of the sample, which is representative of the student loan portfolio overall.[75] This sample is different from the one used to produce the net budget impact described elsewhere in this RIA. A further description of the sample used for cost modeling can be found in the net budget impact section of this RIA.

TABLE 3.1—CHARACTERISTICS OF BORROWERS IN THE SAMPLE USED TO ESTIMATE THE EFFECTS OF THIS PROPOSED RULE

	Percent
Share of Federal Student Loan Borrowers Who:	
Have Any Parent PLUS Loans	9
Ever Received a Pell Grant *	62
Ever Had a Default	27
Age <30	31
Age 30–50	49
Age 50+	20
Highest Level Enrolled: 1st or 2nd Year Undergrad	44
Highest Level Enrolled: 3+ Year Undergrad	35
Highest Level Enrolled: Graduate School	19
Oldest Loan In Repayment <10 Years	47

[75] We use a random sample of borrowers where sample descriptive statistics match those of the full portfolio.

TABLE 3.1—CHARACTERISTICS OF BORROWERS IN THE SAMPLE USED TO ESTIMATE THE EFFECTS OF THIS PROPOSED RULE—Continued

	Percent
Oldest Loan In Repayment 10–20 Years	33
Oldest Loan In Repayment 20+ Years	11

Notes: Based on five percent random sample of Federal student loan borrowers. All numbers are rounded. Highest level enrolled is sourced from loan data for the academic level for which the student borrowed; unless otherwise specified, this could include borrowers who have exited school, and also students in school.

* Pell Grant status is unavailable for most borrowers who entered repayment on their last loan before 1999. As such, these figures may understate the share of borrowers who are Pell Grant recipients.

To understand repayment outcomes for a constant set of borrowers over time, we also use a random sample of borrowers who had their last Federal student loan mature in 2012 and follow these borrowers for 10 years to understand repayment trends.[76] By 2023, some borrowers in this sample have paid down their loans, but a substantial share still have a loan balance. These data provide a perspective of repayment progress for the length of the standard repayment plan, which is 10 years. These data also come from the NSLDS maintained by the Department's Federal Student Aid office.

Because it uses an income limit, for analyses of eligibility related to §§ 30.81, these data were supplemented with publicly available data from the U.S. Census Bureau, which we used to impute information about borrower incomes based on individuals with similar demographic and educational characteristics from Census data.[77] For analyses related to § 30.85, data from NSLDS was supplemented with publicly available data on closed schools from Federal Student Aid's website.[78] For analyses related to §§ 30.86, 30.87, and 30.88, data from NSLDS was supplemented with publicly available data from the "2022 Program Performance Data" that was released by the Department with the 2023 GE rule and historical cohort default rate (CDR) data.[79]

Analysis of Costs, Benefits, and Transfers for Each Proposed Regulatory Section

The sections that follow contain a discussion of the costs, benefits, and transfers for the different proposed regulatory provisions if the Secretary chooses to grant waivers under such provisions. Each of these provisions would include administrative costs for the Department to implement these changes. Because these administrative costs generally represent baseline expenses that would occur in order to implement any one of these provisions, we provide a separate discussion of administrative costs at the end of this part of the RIA.

§ 30.81 Waiver when the current balance exceeds the balance upon entering repayment for borrowers on an IDR plan.

The proposed rules would result in costs in the form of transfers from the Department to IDR borrowers in the form of waiving the amount of accrued interest and capitalized interest on an outstanding loan. Waiving these amounts would reduce future payments by borrowers to the Department. They would also create administrative costs for the Department to implement, which are discussed at the very end of this subsection of the RIA.

The extent of transfers and their associated cost would vary significantly depending on the borrower and their repayment experience. The cost of such transfers for borrowers enrolled in an IDR plan would be small in many cases. IDR plans offer forgiveness for borrowers after a set number of monthly payments (typically either 240 or 300 payments, though the SAVE plan can provide forgiveness after as few as 120 payments). Prior to the creation of the SAVE plan, a borrower whose IDR payment was insufficient to cover all the accumulating interest was likely to see their outstanding balance grow beyond what they originally borrowed. That is because borrowers were responsible for all unpaid interest, except for what accumulated on a subsidized loan for the first three consecutive years in repayment; or if they were on REPAYE, they would be responsible for 50 percent of interest not covered on the monthly payment for the first three years of repayment for unsubsidized loans and all periods beyond the first three years of repayment for all loan types.

In the final rule that created the SAVE plan, the Department estimated that 70 percent of borrowers on IDR had monthly payments that did not cover the full amount of accumulating interest.[80] For example, a borrower who originally took out $30,000 in unsubsidized loans at a five percent interest rate could see as much as $30,000 in accumulated interest forgiven at the end of 20 years if they had a $0 monthly payment for that whole period. That means significant portions of the amounts being waived under these regulations are likely to be forgiven later in repayment anyway. The remaining portion that was likely to be repaid would represent a transfer from the Department to borrowers. That said, borrowers still receive a benefit from having these amounts waived now instead of being forgiven later. The Department received numerous public comments from borrowers about the negative effects they experience from seeing their balances grow even while making payments. Those comments evidence the significant psychological effects felt by borrowers in trying to manage their payments. Providing relief from growing balances would address those concerns highlighted by borrowers.

Borrowers seeking PSLF may see similar benefits. For these public service workers, waiving accrued or capitalized interest will generally represent the expense of waiving amounts now that would otherwise be forgiven when the borrower hits the ten-year forgiveness period. Like IDR forgiveness, the cost of

[76] This comparison is based on historical data, which may be different than future trends, which is a necessary tradeoff to consider medium- or long-term repayment trajectories for borrowers.

[77] Because imputed income is an approximation, we also estimate the number of borrowers who could be eligible, regardless of income. To the extent that a larger or smaller number of borrowers qualify under § 30.81 because of income, then the number of borrowers that qualified under § 30.82 would decline or increase by the equivalent number.

[78] As of February 15, 2024. Available at *https://www2.ed.gov/offices/OSFAP/PEPS/closedschools.html.*

[79] The 2022 Program Performance Data is available for download at: *https://www.federalregister.gov/documents/2023/05/19/2023-09647/financial-value-transparency-and-gainful-employment-ge-financial-responsibility-administrative*, historical cohort default rate data is available at: *https://fsapartners.ed.gov/knowledge-center/topics/default-management/archived-press-packages.*

[80] 88 FR 43851 (July 10, 2023).

this transfer will depend on how much the waived amounts would have been repaid.

We estimate that about 6.4 million borrowers will receive relief under § 30.81.[81] Under our estimate for § 30.81, for modeling purposes, we do not assume that borrowers will switch into an IDR plan in order to receive a waiver under this provision; these borrowers are captured under § 30.82. Table 3.2 shows the demographic characteristics of borrowers who would be eligible to receive a waiver under this proposal. Among those who would be eligible for relief under this provision, 76 percent received a Pell Grant at some point during their postsecondary career, 68 percent are women, and around one-third spent two years or less in higher education. Over half of these borrowers have been in repayment for at least 10 years. In addition, nearly one-quarter had been in default at some point.

TABLE 3.2—ESTIMATED NUMBER AND CHARACTERISTICS OF BORROWERS WHO WOULD BE ELIGIBLE FOR A WAIVER UNDER § 30.81

Number of Borrowers Receiving Any Forgiveness under this provision	6.4 M
Of Those Receiving Forgiveness, Share Who:	
Have Any Parent PLUS Loans	4%
Ever Received a Pell Grant *	76%
Ever Had a Default	24%
Age <30	20%
Age 30–50	64%
Age 50+	15%
Highest Level Enrolled: 1st or 2nd Year Undergrad	35%
Highest Level Enrolled: 3+ Year Undergrad	38%
Highest Level Enrolled: Graduate School	27%
Oldest Loan In Repayment <10 Years	45%
Oldest Loan In Repayment 10–20 Years	47%
Oldest Loan In Repayment 20+ Years	8%

Notes: Results from a five percent sample of the student loan portfolio. All numbers are rounded. Borrowers are considered on IDR if the loan is in repayment on any IDR plan, including plans where the borrower no longer has a partial financial hardship.

* Pell Grant status is unavailable for most borrowers who entered repayment on their last loan before 1999. As such, these figures may understate the share of borrowers who are Pell Grant recipients.

Borrowers on IDR plans are particularly likely to see their balances grow over time. We examined a sample panel of borrowers who were enrolled in any IDR plan for at least three years from 2012 to 2022 and compared them to borrowers who were enrolled in a standard ten-year repayment plan for at least three years. As shown in Table 3.3, borrowers who were enrolled in any IDR plan for at least three years were more likely than borrowers with at least three years in a standard repayment plan to have their balance grow. By 2022, borrowers who spent a substantial amount of time repaying under IDR were 12 percentage points more likely to have seen their balance grow than borrowers repaying on a standard plan.

TABLE 3.3—SHARE OF BORROWERS WITH BALANCES GREATER THAN WHAT THEY OWED UPON ENTERING REPAYMENT

Year	At least 3 years in standard repayment (percent)	At least 3 years in IDR (percent)
2013	65	81
2014	59	79
2015	52	75
2016	46	71
2017	42	67
2018	38	64
2019	34	60
2020	32	58
2021	31	56
2022	29	54

Notes: Based on a sample of borrowers who last entered repayment on a non-consolidated loan in 2012. All numbers are rounded. Borrowers who were both on IDR for more than three years and on a standard ten-year repayment plan for more than three years are excluded from the analysis.

§ 30.82 Waiver when the current balance exceeds the balance upon entering repayment.

Borrowers who would be eligible for this provision include some IDR borrowers whose incomes are too high to qualify for relief under § 30.81 and also non-IDR borrowers. A substantial portion of IDR borrowers experience balance growth because their income-based payments do not fully cover the accruing interest on their loans. For non-IDR borrowers, the extent of transfers will be dependent upon their repayment history. All of the standard,

[81] Additionally, we imputed income to provide an approximation of borrowers' incomes to estimate how many borrowers would qualify under this provision. However, because imputed income is an approximation, we also estimate the number of borrowers who could be eligible, regardless of income. In this estimate, 7.0 million borrowers have balance growth and are enrolled in an IDR plan. Because this estimate does not use an income limit, this number serves as a likely upper bound on the number of borrowers who would receive a waiver under § 30.81. If there were a larger number of borrowers that qualified under § 30.81, then the number of borrowers that qualified under § 30.82 would decline by the equivalent number.

extended, and graduated repayment plans require borrowers to at least cover monthly accruing interest with their monthly payment. However, if borrowers spend time in deferment, forbearances, delinquency, or default, they will accrue interest that can be capitalized into principal. For borrowers in a deferment, interest that accrues on their unsubsidized Stafford or PLUS loans will be added to their principal balance when they exit the deferment. The same is true for borrowers who left a forbearance prior to the payment pause. However, regulations that went into effect on July 1, 2023, ended the practice of capitalizing interest for borrowers when they leave a forbearance going forward.

Many of the borrowers who would be eligible to receive a waiver under this proposed regulation spent time in statuses that have broader societal value. For instance, some borrowers were in deferment or forbearance because they served in active-duty military or the national guard. Thirty-six percent of borrowers who first entered postsecondary education in 2003–04 and received at least one military or law enforcement loan deferment had owed more than they did upon entering repayment twelve years later.[82] Borrowers who used a forbearance or deferment to avoid default because of unemployment or economic hardship, and now find themselves with loan balances they will struggle to retire in a reasonable period, would also benefit from this proposal. Sixty-three percent of borrowers who started their education in 2003–04 and received at least one economic hardship deferment owed more than they did upon entering repayment 12 years later.[83]

We estimate that 19.1 million borrowers would be eligible for relief under § 30.82. This number does not include borrowers currently on IDR who would be eligible for a waiver under § 30.81. However, it does include some borrowers who are on IDR but whose incomes are too high to qualify for a waiver under § 30.81.[84] To get a sense of the effect of this policy, Table 3.4 below models the characteristics of borrowers who have experienced balance growth in excess of their balance at repayment entry. Among those whose balance is at least $1 above what they owed upon entering repayment, 68 percent ever received a Pell Grant, and 38 percent ever defaulted. Almost half of these borrowers only enrolled for the first year or two of their undergraduate education and around 80 percent only enrolled for undergraduate education.

TABLE 3.4—ESTIMATED NUMBER AND CHARACTERISTICS OF BORROWERS WHO WOULD BE ELIGIBLE FOR WAIVERS UNDER § 30.82

Number of Borrowers Receiving Any Forgiveness Under this Provision	19.0 M
Of Those Receiving Forgiveness, Share Who:	
Have Any Parent PLUS Loans	12%
Ever Received a Pell Grant *	68%
Ever Had a Default	38%
Age <30	26%
Age 30–50	51%
Age 50+	23%
Highest Level Enrolled: 1st or 2nd Year Undergrad	49%
Highest Level Enrolled: 3+ Year Undergrad	30%
Highest Level Enrolled: Graduate School	19%
Oldest Loan In Repayment <10 Years	52%
Oldest Loan In Repayment 10–20 Years	37%
Oldest Loan In Repayment 20+ Years	11%

Notes: Results from a five percent sample of the student loan portfolio. All numbers are rounded. Borrowers are considered to have experienced balance growth if they owe at least $1 above their balance at the start of repayment. Commercial FFEL loans and borrowers who are currently in school or have loans that have not yet entered repayment are excluded.

* Pell Grant status is unavailable for most borrowers who entered repayment on their last loan before 1999. As such, these figures may understate the share of borrowers who are Pell Grant recipients.

One way of contextualizing the experience of borrowers who have experienced balance growth is to follow a cohort of borrowers over time. For this analysis, the Department examined data over a 10-year period for a group of borrowers who last entered repayment in 2012, to the end of 2022. Borrowers are grouped by either: having paid off their loans by the end of 2022, owing less than their balance at repayment, or owing more than their balance at repayment. Table 3.5 shows the time spent in statuses (expressed in months) where borrowers are not actively paying or may be paying less than covered interest in an IDR plan.

In the sample, among borrowers who are still in repayment, borrowers who still owe more than they owed at the start of repayment 10 years later spent much longer in forbearance or deferment than borrowers whose loan balance has not grown. The average and median amounts of time a borrower who experienced balance growth spent in forbearance were 30 and 23 months, respectively. This is more than twice the amount of time spent in forbearance for borrowers who did not have balance growth. Similarly, borrowers in the sample who experienced balance growth were in deferment for longer periods than those who did not experience balance growth. Borrowers in the sample with balance growth also had longer average periods of default than borrowers still in repayment, but without balance growth, and were more likely to be using an IDR plan to repay their debt.

[82] *https://nces.ed.gov/datalab/powerstats/table/sejwfb.*

[83] *https://nces.ed.gov/datalab/powerstats/table/sejwfb.*

[84] As noted earlier in footnote 25, we estimated a sensitivity of the number of borrowers who could be eligible, regardless of income.

TABLE 3.5—MONTHS IN CERTAIN STATUSES AMONG BORROWERS WHO ENTERED REPAYMENT IN 2012

	2012 Borrowers with no balance growth by end of 2022		2012 Borrowers with balance growth by end of 2022	
	Average	Median	Average	Median
Forbearance	13	5	30	23
Deferment	7	0	11	0
Default	15	0	30	0
IDR	12	0	27	0

Notes: Based on a random sample of approximately 150,000 borrowers who last entered repayment on a non-consolidated loan in 2012. All numbers are rounded. A borrower is considered to have spent a year in IDR if they are in an IDR plan as of the end of a given year (including non-partial financial hardship) and did not spend all of their previous year in a non-payment status (forbearance, deferment, or default). Months are rounded to the nearest month.

This section would provide the Secretary with discretionary waiver authority that could create costs for the Department due to the transfers that arise from waiving some loan amounts. However, because the waivers in this proposal would not result in forgiving any of the original principal, the government would still be in a position to collect the full amount originally disbursed.

While the proposed regulations would create costs in the form of transfers for the Federal Government, it would also provide benefits. As previously described, recent borrower reports suggest that growing loan balances can lead to both financial and psychological challenges to successful repayment by borrowers.[85] The Department also must pay for either the ongoing servicing of loans in repayment or the costs of collecting on defaulted loans, even if those loans are not expected to lead to large amounts of revenue in the future.

Other borrowers may benefit from reduced loan payments. Borrowers on payment plans other than IDR would see their monthly payments decrease if the Department waives any capitalized interest. Borrowers on non-IDR plans may also see their time to repayment reduced, as the total amount of payments needed to retire their debt decreases. The extent of these effects on borrowers repaying under an IDR plan are more challenging to assess, as they would be affected by whether borrowers are close to reaching certain caps on payments that exist in plans such as IBR and PAYE. In such situations, it could result in either a reduced payment, repaying the loan before reaching forgiveness, or both.

Beyond transfers, the Department estimates that there would be administrative costs for the implementation of this benefit. These costs are discussed at the very end of this subsection of the RIA.

§ 30.83 Waiver based on time since a loan first entered repayment.

The proposal to permit the Secretary to waive loans that first entered repayment 20 or 25 years ago, if exercised, would create costs in the form of transfers between the Federal Government and borrowers. Borrowers would receive significant benefits from no longer having to repay old loans, and the Federal Government would also see benefits from no longer servicing or collecting on loans that are largely not expected to be repaid in full. Finally, this proposal would have administrative costs for the Department to implement. Each is discussed in more detail below, except for the administrative costs, which are discussed at the end of this subsection of the RIA.

The size of the transfers between the Federal Government and borrowers would depend on the borrower's repayment history and the likelihood that an older loan would otherwise have been repaid. Under the default repayment plan created by Congress (the standard repayment plan), borrowers repay their loans over 120 equal installments—the equivalent of 10 years of monthly payments. From 1965–2010, most student loan borrowers made fixed monthly payments over a set period of time. Starting in 1994, borrowers with Direct Loans had an option to make payments based upon their income through the ICR plan. It provides forgiveness after 25 years of monthly payment but was not used extensively. In 2007, Congress created the IBR plan, which gave all Direct and FFEL student borrowers access to a more generous repayment plan tied to borrowers' income. Legislation in 2010 followed by regulations in 2012 and 2015 further improved the terms of IDR plans and expanded the options for Direct Loan borrowers. From 2010 to 2018 the share of undergraduate borrowers in IDR plans grew from 11 percent to 24 percent.[86] Currently, about one-third of federally managed loan recipients are in IDR plans.[87]

With one exception, all other Federal loan repayment options result in the debt being repaid or forgiven after no more than 25 years. For instance, all IDR plans provide forgiveness after 20 or 25 years. The one exception is for higher-balance consolidation loans—typically those with starting balances of at least $60,000—which can be repaid over 30 years.[88] The idea then, is that most student loans will be repaid over roughly a decade, with nearly all others being paid off within 25 years at the latest.

The size of transfers that would be generated by this policy depends on how many loans that would be eligible for waiver under this policy are set to be repaid or, alternatively, are likely to simply linger and eventually be forgiven through discharges due to a borrower's death or total and permanent disability. For instance, based on analysis of Department data, in 2022, there were more than 1 million borrowers with loans that have been in default for at least 20 years. During this period these borrowers could have been subject to negative credit reporting, wage garnishment, tax refund offset, and even litigation. If these loans are still outstanding after all this time notwithstanding the availability of those powerful collection tools, the odds that they would be fully repaid in a reasonable period are unlikely. For instance, among borrowers who started college in 2004 and ever defaulted on a

[85] *https://www.pewtrusts.org/en/research-and-analysis/reports/2020/05/borrowers-discuss-the-challenges-of-student-loan-repayment; https://www.newamerica.org/education-policy/reports/in-default-and-left-behind/.*

[86] Congressional Budget Office (2020). Income-Driven Repayment Plans for Student Loans: Budgetary Costs and Policy Options. *https://www.cbo.gov/publication/56277.*

[87] Based on Q4 2023 data on Direct Loans and ED-held FFEL borrowers in Repayment, Deferment, and Forbearance from the FSA Data Center, Portfolio by Repayment Plan, available at: *https://studentaid.gov/data-center/student/portfolio.*

[88] Eligibility for a 30-year repayment plan on a consolidation loan is based upon total education loan indebtedness, which can include non-Federal debts.

Federal loan, only about one-third paid off that loan in full within 12 years.[89]

Even loans not in default may not be fully repaid in a reasonable period. For instance, a borrower may have spent extended periods in forbearance because they could not afford their payments. While doing so will allow them to avoid default, it will put them further away from successful repayment due to the accumulation of interest.

Older loans are also going to be held by older borrowers. The older the borrower, the greater the likelihood that they will stop working prior to successful repayment. Forty-one percent of non-Parent PLUS borrowers 62 years of age and older with an open loan have held their student loans for more than 20 years, and 30 percent of borrowers 62 years of age and older with an open loan have held their student loans for more than 25 years.[90] Waiving such loans would not create significant costs in the form of transfers for the Government because it is unlikely to get significant additional payments from a retired borrower.

The costs of these transfers would be greater for loans where the Government was expecting to see significant repayments. Some of these situations are impossible to anticipate at any given scale, such as borrowers who suddenly come into money from an inheritance or divorce settlement and are either able to repay their loans voluntarily or see a large increase in amounts obtained from enforced collections. Another situation would relate to borrowers who are on a 30-year repayment plan. For student borrowers, the Government would be forgoing the final five years of payments, while for a borrower with a consolidation loan that repaid a Parent PLUS loan and did not have any graduate loans, it would be forgoing 10 years of payments. The Department projects that it would be five years of foregone payments instead of 10 for student borrowers because in order to qualify for a plan with a 30-year amortization period, the borrower must have a level of debt above what a borrower can take out in principal for their own undergraduate education. These would be borrowers who would be eligible to receive a waiver 25 years after entering repayment. Parent borrowers, meanwhile, would be eligible to receive a waiver 20 years after entering repayment, assuming they had no graduate debt of their own.

Table 3.6 provides estimates of the number of borrowers who would be eligible to receive benefits under this provision and their characteristics. About 2.6 million borrowers are expected to be eligible for relief because they first entered repayment on or before either July 1, 2000, or July 1, 2005, depending on whether they have loans for graduate study. Forgiveness of debt among borrowers who entered repayment 20 or 25 years ago particularly helps older borrowers, with over 60 percent aged over 50. Additionally, over 80 percent of borrowers had previously had a default.

TABLE 3.6—ESTIMATED NUMBER AND CHARACTERISTICS OF BORROWERS WHO WOULD BE ELIGIBLE FOR WAIVERS UNDER § 30.83

	Borrowers at 20/25 years of forgiveness
Number of Borrowers Receiving Any Forgiveness Under this Provision	2.6 M
Of Those Receiving Forgiveness, Share Who:	
Have Any Parent PLUS Loans	10%
Ever Received a Pell Grant *	36%
Ever Had a Default	83%
Age <30	0%
Age 30–50	37%
Age 50+	63%
Highest Level Enrolled: 1st or 2nd Year Undergrad	49%
Highest Level Enrolled: 3+ Year Undergrad	30%
Highest Level Enrolled: Graduate School	14%
Oldest Loan In Repayment 20–25 Years	41%
Oldest Loan In Repayment 25–30 Years	30%
Oldest Loan In Repayment 30+ Years	29%

Notes: Results from a five percent sample of the student loan portfolio. All numbers are rounded. Forgiveness in 2024 is based on having at least one non-commercial FFEL loan enter repayment 20 years ago (if no graduate debt) or 25 years ago (any graduate debt).

* Pell Grant status is unavailable for most borrowers who entered repayment on their last loan before 1999. As such, these figures may understate the share of borrowers who are Pell Grant recipients.

Waiving old loans would significantly benefit borrowers. For older borrowers, ending required loan payments would reduce one source of financial obligations for their final years in the workforce, putting them in better shape for retirement and reducing their need to rely on other sources of funds in their final years. It also could give some borrowers who currently have to work to repay their loans the ability to retire. Of the borrowers with loans 20 or 25 years old, 63 percent are over 50 years old.

The Government would also see benefits from waiving older loans. Continuing to pay the cost of collecting or servicing older debts that are unlikely to be repaid generates costs for taxpayers that may never be recouped. If a borrower defaults on their debt, a portion of their Social Security benefit may be offset to repay the student loan; for some borrowers, this reduction moves their benefits income below the Federal poverty line.[91]

§ 30.84 *Waiver when a loan is eligible for forgiveness based upon repayment plan.*

This provision would provide the Secretary with discretionary waiver authority that could create costs in the

[89] Based on Beginning Postsecondary Students Longitudinal Surveys 2004/2009. *https://nces.ed.gov/datalab/powerstats/table/loivbe.*

[90] *https://www2.ed.gov/policy/highered/reg/hearulemaking/2023/data-on-older-borrowers-and-parents-session-2.pdf.*

[91] SOCIAL SECURITY OFFSETS: Improvements to Program Design Could Better Assist Older Student Loan Borrowers with Obtaining Permitted Relief. United States Government Accountability Office. December 2016. *https://www.gao.gov/assets/gao-17-45.pdf.*

form of transfers from the Federal Government to student loan borrowers. These waivers would apply in situations where borrowers would be eligible to receive relief if they otherwise meet the eligibility requirements for forgiveness under existing repayment plans, but they have not applied. Waiver is appropriate because borrowers often struggle to navigate the myriad loan repayment plans available to them. As a result, the Department frequently observes that borrowers who could receive immediate forgiveness are unaware of, or are unable to take, the steps needed to receive relief. The cost of the transfers that would occur from providing relief under this section therefore represent the expense associated with providing relief to borrowers who could not or did not know how to opt into already existing benefits.

This provision is separate and distinct from § 30.85. This section only applies to borrowers who would be eligible for a discharge based upon one of the repayment plans that result in forgiveness after a set period. This includes all IDR plans, as well as the alternative repayment plan. By contrast, § 30.85 is focused on possible relief for borrowers who otherwise qualify for forgiveness opportunities. There is no guarantee that a borrower eligible for a waiver under § 30.84 would be eligible for one under § 30.85 or vice versa.

Providing waivers for borrowers who are eligible for relief but who have not successfully applied for certain repayment plans provides significant benefits for borrowers and the Department. For borrowers, they would receive the benefit of no longer needing to repay their student loan. This removes the risk of delinquency and default and also means that they no longer need to devote a portion of their income to the student loans being forgiven. They also derive benefits by receiving relief automatically and not needing to spend the time to navigate the repayment system. The Department, meanwhile, benefits by no longer paying for the cost of servicing a loan that is otherwise eligible for a discharge. Continuing to cover such costs is an unnecessary expenditure of Federal funds. It can also create added costs and work for the Department if the borrower applies later and is then eligible for refunds of payments that they made after the point when they were eligible for forgiveness. The Department also benefits by providing relief automatically instead of needing to pay to process individual borrower applications.

Table 3.7 reports estimates of the number of borrowers who would be eligible for forgiveness under the SAVE plan, but who are not currently enrolled in that plan. We estimate that about 1.7 million borrowers will receive partial or complete forgiveness (with over half receiving full forgiveness) as of December 31, 2023. Nearly 70 percent of these borrowers received a Pell Grant and over one-third had a prior default.

TABLE 3.7—ESTIMATED CHARACTERISTICS OF BORROWERS WHO WOULD BE ELIGIBLE FOR WAIVERS UNDER § 30.84

Number of borrowers receiving any forgiveness	1.7 M
Of Those Receiving Forgiveness, Share Who:	
Have Any Parent PLUS Loans	5%
Ever Received a Pell Grant *	66%
Ever Had a Default	45%
Age <30	0%
Age 30–50	72%
Age 50+	27%
Highest Level Enrolled: 1st or 2nd Year Undergrad	65%
Highest Level Enrolled: 3+ Year Undergrad	26%
Highest Level Enrolled: Graduate School	7%
Oldest Loan In Repayment <10 Years	0%
Oldest Loan In Repayment 10–20 Years	75%
Oldest Loan In Repayment 20+ Years	24%

Notes: Results are from analysis of a five percent sample of the student loan portfolio. All numbers are rounded. Borrowers whose original loan disbursement was less than $12,000 and who have made 120 payments were classified as eligible, as were borrowers who had an additional 12 payments for each $1,000 borrowed above that amount. Eligibility ends at 19 years of payments on $21,000 or original principal balance for borrowers who only have undergraduate loans or 24 years for borrowers who originally took out $24,000 and have any graduate loans. Borrowers above that point would receive the typical forgiveness on SAVE at 20 or 25 years. Parent PLUS loans and FFEL loans were excluded from this analysis, but borrowers with these types of loans may still be eligible for forgiveness on other Federal loans they hold.

* Pell Grant status is unavailable for most borrowers who entered repayment on their last loan before 1999. As such, these figures may understate the share of borrowers who are Pell Grant recipients.

Waivers under this provision would generate two types of costs. One is costs in the form of transfers from the Department to the borrower. However, as discussed, these would be transfers borrowers could already receive if they were to take the necessary steps to apply for the specific repayment plan. While these do show up as costs in this proposed rule, we believe the benefits of providing this relief automatically and the savings generated from such an approach are better than incurring the costs to provide this relief on an individual basis.

Action under these provisions would come with costs for the Department in the form of administrative expenses to implement this change. These costs are discussed at the end of this subsection of the RIA.

§ *30.85 When a loan is eligible for a targeted forgiveness opportunity.*

This provision provides the Secretary with discretionary waiver authority that, if exercised, would create costs in the form of transfers between the Department and borrowers who see some or all of their outstanding loan balances waived. It would also provide benefits to borrowers by granting them relief for which they would otherwise have to apply. This automatic relief would also provide benefits to the Department because it would no longer need to pay to service loans that could otherwise be forgiven and could apply relief automatically instead of on an individual basis. This provision would also create some administrative costs for the Department to implement this provision. Administrative costs are discussed in a separate section at the end of this subsection of the RIA.

For borrowers, the benefits would be most felt by the individuals who are least likely to apply for relief, because we anticipate that borrowers who are aware of the targeted forgiveness opportunities will successfully apply for them. The Department anticipates that

the benefits of this provision will be most felt by borrowers who are at the greatest risk of default and delinquency because those are the borrowers who are the least engaged with the student loan system. Comparisons of borrowers who successfully applied for relief versus those who received it through automatic action highlight the extent to which more at-risk borrowers get left behind by a process that requires borrowers to apply. For instance, past studies of closed school loan discharges by GAO found that the borrowers who did not apply for this relief and instead received an automatic discharge were far more likely to be in default than those who successfully applied.[92]

Table 3.8 reports estimates of the number of and characteristics of borrowers who would be eligible for a waiver under § 30.85. To estimate the potential effect of § 30.85 we looked at borrowers who are eligible but have not applied for a closed school loan discharge. This is the forgiveness opportunity where the Department has information in its systems necessary to determine eligibility and provides a strong source for estimating the number of potential waivers that the Secretary may grant under this provision. The Secretary may grant waivers based on eligibility for other forgiveness programs, but such waivers would depend on the Department obtaining additional information, such as fact-specific indicators of misconduct of colleges or data matches with States or other Federal entities to determine eligibility for PSLF.

TABLE 3.8—ESTIMATED NUMBER AND CHARACTERISTICS OF BORROWERS WHO WOULD BE ELIGIBLE FOR WAIVERS UNDER § 30.85

Number of Borrowers Receiving Any Forgiveness Under this Provision	0.26 M
Of Those Receiving Forgiveness, Share Who:	
Have Any Parent PLUS Loans	6%
Ever Received a Pell grant *	73%
Ever Had a Default	39%
Age <30	25%
Age 30–50	48%
Age 50+	27%
Highest Level Enrolled: 1st or 2nd Year Undergrad	66%
Highest Level Enrolled: 3+ Year Undergrad	21%
Highest Level Enrolled: Graduate School	9%
Oldest Loan In Repayment <10 Years	57%
Oldest Loan In Repayment 10–20 Years	24%
Oldest Loan In Repayment 20+ Years	13%

Notes: Results are from analysis of a five percent sample of the student loan portfolio. All numbers are rounded. Borrower is counted if their loan maturity date was within one year after the school's closure date or their loan's disbursement was within one year before the closure date. Borrower's loans are included if they are Direct or federally-managed FFEL loans.

* Pell Grant status is unavailable for most borrowers who entered repayment on their last loan before 1999. As such, these figures may understate the share of borrowers who are Pell Grant recipients.

The Department would also benefit from providing discharges under § 30.85, which would stop the Department from paying for the costs of servicing or collecting loans that are otherwise eligible to be forgiven. In addition, some targeted forgiveness opportunities, such as closed school discharges, include provisions that refund payments for borrowers. Processing refunds is costly and time-consuming for the Department, so providing relief sooner and reducing the number of future unnecessary payments that must be refunded is also more efficient for the Department. Finally, the Department would benefit from providing automatic relief instead of processing individual applications because the more streamlined process reduces administrative burden and costs.

Waivers granted under this section would create some costs. The Department believes the costs associated with the discharges themselves are outweighed by the benefits because this is relief that a borrower would otherwise receive anyway if they submitted the right paperwork at the right time. To that end, the cost is essentially capturing revenue the Department receives because borrowers are either unaware of certain discharge programs or do not successfully apply.

§ *30.86 Waiver based upon Secretarial actions.*

This section provides the Secretary with discretionary waiver authority that, if exercised, would create costs in the form of transfers between the Department and borrowers by providing loan discharges. It would not create any transfers between institutions of higher education and the Department. Relief provided to borrowers under this section would be done as a waiver, which means there would be no liability to seek against an institution.

The waivers granted under this section would provide significant benefits to borrowers. Through this provision, borrowers would no longer have to repay loans they took out to attend programs or institutions that have lost access to Federal student financial aid based on Secretarial actions that determined their program or institution failed to provide sufficient financial value or failed a student outcomes accountability measure, provided that the borrowers attended the program during the corresponding time period. For instance, the Department would waive outstanding loans taken out by borrowers who were part of cohorts whose data showed their institution or program did not meet required title IV accountability standards because of unacceptably high rates of student loan default, had poor levels of debt compared to the earnings of graduates, or failed to provide graduates a financial return equal to or greater than the earnings of a high school graduate who never pursued postsecondary education. These are loans where at least some significant share of the borrowers are exhibiting either direct signs of struggle or experiencing circumstances, such as excessive debt burdens, that suggest that there is a strong likelihood of inability to repay.

The other waivers that may be provided under this section would similarly benefit borrowers. The

[92] *https://www.gao.gov/assets/gao-21-105373.pdf.*

Department has seen in the past that borrowers who take out loans to attend programs or institutions that engaged in substantial misrepresentations such as lying about crucial issues like expected earnings or job placement rates of graduates or similar indicia often also had high rates of delinquency and default.

These waivers would significantly benefit borrowers by no longer making them repay loans where there is either existing evidence of high rates of default or factors that strongly correlate with challenges in repayment. These waivers would particularly benefit borrowers who are in default, as they would no longer face negative credit reporting, wage garnishment, the seizure of tax refunds, or other forms of enforced collections. Removing these loans from their consumer reports would also likely improve their credit scores since more than 80 percent of these borrowers have had a default, which could have downstream benefits in terms of securing other forms of credit other than Federal student loans, as well as in other contexts like tenant or employment screening. If this waiver results in the waiver of all of a borrower's defaulted Federal student loans, the borrower may also be able to obtain new loans or Federal grant aid to attend a program or institution that would provide them with better value.

The Department would also benefit from this provision. It would no longer need to pay for the costs of servicing or collecting on loans where borrowers have already demonstrated they are part of cohorts that had high rates of default or are burdened by excessive debt compared to their earnings or have extremely low earnings. The Department is unlikely to fully collect such loans or to do so in a reasonable period. The costs of providing such discharges may not be as significant as the Department may not be likely to receive significant repayments or collection from these loans. For these reasons, we believe that the costs of these discharges would be outweighed by the benefits.

Table 3.9 below shows the estimated number of borrowers who would be eligible for relief because they attended institutions that failed the cohort default rate metrics between 1992–2020 and subsequently lost eligibility to disburse Federal financial aid.[93] In total, we estimate that less than 0.01 million borrowers who attended schools that failed CDR metrics and then subsequently lost eligibility to disburse title IV aid would be eligible for waivers under this provision. About 30 percent of the borrowers who would experience relief under this provision received a Pell Grant.

TABLE 3.9—ESTIMATED NUMBER AND CHARACTERISTICS OF BORROWERS WHO WOULD BE ELIGIBLE FOR WAIVERS UNDER § 30.86

Number of Borrowers Receiving Any Forgiveness Under this Provision:	0.01 M
Of Those Receiving Forgiveness, Share Who:	
Have Any Parent PLUS Loans	6%
Ever Received a Pell Grant	31%
Ever Had a Default	83%
Age <30	2%
Age 30–50	29%
Age 50+	69%
Highest Level Enrolled: 1st or 2nd Year Undergrad	83%
Highest Level Enrolled: 3+ Year Undergrad	10%
Highest Level Enrolled: Graduate School	2%
Oldest Loan In Repayment <10 Years	9%
Oldest Loan In Repayment 10–20 Years	21%
Oldest Loan In Repayment 20+ Years	70%

Notes: Results from a five percent sample of the student loan portfolio. All numbers are rounded. Forgiveness in 2024 is based on having at least one loan with a positive outstanding balance from an institution that failed the CDR metrics since 1998 and was closed or not providing title IV aid to students as of 2002, having a loan from an institution that lost eligibility for Title IV between 1999 and 2014 due to CDR sanctions, or having a loan from an institution that failed the CDR metrics from 2015–2020 and was closed or not providing Title IV aid to students as of 2022. Borrower's loans are included if they are Direct or federally-managed FFEL loans.

* Pell status is unavailable for most borrowers who entered repayment on their last loan before 1999.

The above estimates in Table 3.9 also do not include borrowers who would be eligible to receive relief because they attend a program that fails GE metrics and loses access to Federal aid. Under the GE accountability framework from the 2023 GE Rule, all certificate and diploma programs at public and private nonprofit institutions and educational programs at for-profit institutions of higher education with a sufficient number of completers will be assessed annually on whether they meet debt-to-earnings and earnings premium standards. Under those regulations, the Department will hold career training programs accountable for keeping debt affordable and producing economic mobility by revoking eligibility for Federal student aid programs if programs fail metrics in two of three consecutive years.[94] Such actions will protect future students against unaffordable loan burdens; however, the borrowers whose experiences were captured in the failing debt-to-earnings or earnings premium standards also merit relief. For example, the first two official GE metrics will be published in 2025 and 2026, based on the experiences of students who attended years earlier.[95] If a program fails the same metric in both years, students will

[93] For schools that had high CDR metrics prior to 1999 or from 2015 to 2020, we do not have an exact accounting of which of schools were able to successfully appeal their potential sanctions. Therefore, we approximate which schools lost eligibility to disburse Title IV aid by comparing the list to data on Title IV eligibility from the Integrated Postsecondary Education Data System (IPEDS), as of 2002 (for 1992–1998) and 2022 (2015–2020).

[94] There are two key metrics under the GE regulations, a debt-to-earnings (D/E) rate and an earnings premium (EP) test. Programs that fail either metric in a single year will be required to provide warnings to current and prospective students. Programs that fail the same metric in two of three consecutive years will not be eligible to participate in Federal student aid programs. See *https://www2.ed.gov/policy/highered/reg/hearulemaking/2021/gainful-employment-notice-of-final-review-factsheet.pdf*.

[95] Depending on the number of students who completed the program, the cohort period will either be two years or four years. For example, for D/E and EP measure calculations during the 2023–24 award year, the two-year cohort period will be award years 2017–18 and 2018–19 and the four-year cohort period will be award years 2015–16, 2016–17, 2017–18, and 2018–19.

no longer be able to borrow Federal loans or receive Pell Grants to attend that program, but students who attended during the years on which the failing metrics are based would be eligible for relief on their Federal loans under these proposed regulations.

The RIA that accompanied the 2023 GE final regulations estimated that approximately 700,000 students annually are in programs that could fail the standards in the GE rule. After the GE accountability framework goes into effect in 2024, and after programs may start to become ineligible to participate in the title IV, HEA aid programs in 2026, the GE RIA estimates that the number of students in failing programs will gradually decline, reducing the number of students eligible for relief under this provision in the future.

This RIA does not include a separate analysis of the potential effect on borrowers from § 30.86(a)(2). The Department anticipates that waivers that could be granted in these situations would occur on a case-by-case basis. For past cohorts, the number of institutions that lost access to aid under these provisions is generally small. And some of those institutions, such as Marinello Schools of Beauty, have since been covered by actions to discharge groups of loans based upon borrower defense to repayment findings. For future borrowers, the Department cannot predict administrative actions that have yet to occur, so it is not possible to assign a likely cost to future loan cohorts.

Finally, this provision would create small administrative costs for the Department to implement. Administrative costs are discussed separately at the end of this subsection of the RIA.

§ 30.87 Waiver following a closure prior to Secretarial actions.

The waivers granted under this section would have transfers, benefits, and costs that are similar to those under § 30.86. However, these elements would affect a distinct group of borrowers who would not be eligible for a waiver under § 30.86 and would only have some overlap with borrowers eligible under § 30.88. These borrowers are in a different situation than borrowers eligible for relief under § 30.86 because they borrowed to attend an institution or program that failed to meet certain outcomes standards or was in the middle of a Secretarial action related to not providing sufficient financial value, but the institution or program closed before the Department completed the action to remove aid eligibility. Similar to § 30.86, this provision would not create any transfers between institutions and the Department because amounts that are waived could not be recouped from the school.

Borrowers would benefit from this provision because they would no longer have to repay loans taken out to attend programs or institutions that had been exhibiting evidence of excessively poor student loan outcomes or otherwise failing to provide sufficient financial value. Loans taken out in these situations are likely to result in higher rates of delinquency and default, meaning that the waivers under this section would provide added benefits such as protecting borrowers from negative credit reporting, the possibility of wage garnishment, tax refund or Social Security benefit seizure, and other forms of enforced collections.

The Department would also benefit from waivers granted under this section. As discussed, these loans are owed by borrowers who are more likely to struggle to repay their debts and the Department may need to incur greater costs to provide the borrowers with more targeted outreach and more help to navigate repayment. If these loans are older, it is also less likely that the Department would be collecting significant sums from the borrowers, reducing the likelihood that the loans will be fully repaid.

As noted above, the costs of this provision would largely come from the transfers granted to borrowers when a loan is discharged. We are not including specific modeling of these transfers because we believe the potential effect of this section would be much smaller than what is captured in § 30.86. We believe the largest effect is likely to be related to borrowers who attended institutions that preemptively closed when cohort default rates were first created, as we have seen few to no schools close in recent years due to impending loss of Federal aid from high default rates. While there are closures that occur before other Secretarial actions are finalized, this occurs more on a case-by-case basis and typically does not occur in large numbers. This provision provides critical benefits to the borrowers who would be eligible for relief, but we do not think it operates on a large enough scale to model.

For example, borrowers who attended programs that failed the previously published GE rates released in 2017, based on the 2015 debt measure year, would be eligible for a waiver under this provision. However, current data limitations related to program information in NSLDS for the cohorts included in those 2017 rates prevent us from estimating the number of borrowers who would be eligible for waivers under this provision.[96]

Finally, this provision would create administrative costs to implement. Administrative costs are discussed separately at the end of this subsection of the RIA.

§ 30.88 Waiver for closed Gainful Employment (GE) programs with high debt-to-earnings rates or low median earnings.

Waivers granted under this section would provide transfers, benefits, and costs that are similar to a portion of those that could occur under § 30.87. However, these benefits would affect a distinct group including those that are not otherwise captured under any other provision. The reasons for waivers under this section are also narrower than those in §§ 30.86 and 30.87.

Table 3.10 below shows the estimated number of borrowers who would be eligible for waivers because they attended a program that failed the GE metric for any reason based on the data from the 2015, 2016, and 2017 Award Years released in 2023 along with the GE Rule Regulatory Impact Analysis and also did not have any students who received Title IV aid from 2018 onwards.[97]

[96] These data are available *https://studentaid.gov/sites/default/files/GE-DMYR-2015-Final-Rates.xls.*

[97] The Department released a data file called the 2022 Program Performance Data (''2022 PPD'') along with the proposed rule titled ''Financial Value Transparency and Gainful Employment (GE), Financial Responsibility, Administrative Capability, Certification Procedures, Ability to Benefit (ATB)'' available at: *https://www.regulations.gov/document/ED-2023-OPE-0089-0086.* These data include program performance information, using measures based on the typical debt levels and post-enrollment earnings of program completers.

TABLE 3.10—ESTIMATED NUMBER AND CHARACTERISTICS OF BORROWERS WHO WOULD BE ELIGIBLE FOR WAIVERS UNDER § 30.88

Number of Borrowers Receiving Any Forgiveness Under this Provision:	0.01 M
Of Those Receiving Forgiveness, Share Who:	
Have Any Parent PLUS Loans	6%
Ever Received a Pell Grant	78%
Ever Had a Default	33%
Age <30	15%
Age 30–50	70%
Age 50+	15%
Highest Level Enrolled: 1st or 2nd Year Undergrad	60%
Highest Level Enrolled: 3+ Year Undergrad	13%
Highest Level Enrolled: Graduate School	27%
Oldest Loan In Repayment <10 Years	86%
Oldest Loan In Repayment 10–20 Years	14%
Oldest Loan In Repayment 20+ Years	0%

Notes: Results from a five percent sample of the student loan portfolio. All numbers are rounded. Borrower's loans are included if they are Direct or federally-managed FFEL loans.

* Pell Grant status is unavailable for most borrowers who entered repayment on their last loan before 1999. As such, these figures may understate the share of borrowers who are Pell Grant recipients.

The number of students who attended such programs is likely higher than this estimate, but data limitations prevent us from including in this estimate borrowers who attended programs that failed the 2011 Gainful Employment Informational Metrics.[98]

The waivers under this provision would create costs in the form of transfers. Such transfers would go to borrowers who have loans used to enroll in programs that produced results that according to data from the Department show that they had high debt-to-earnings or low earnings premium measures that did not meet basic standards of financial value, but the program closed prior to the issuance of formal GE rates under the new GE rule. While these programs did not have the formal failures that would qualify for a discharge under §§ 30.86 or 30.87, the outcomes are so poor that, when paired with closure, the Department's concerns about borrowers' ability to repay loans from these programs are similar.

The Department would also benefit by waiving these loans. As discussed, these loans are from borrowers who attended programs with data showing that graduates take on more debt than is reasonable or whose earnings are worse than what a high school graduate earns. Borrowers in such situations are more likely to struggle to repay their debts and may incur greater costs for the Department in the form of more targeted outreach and more help to navigate repayment. If these loans are older, it is also less likely that the Department may be collecting significant sums from them, reducing the likelihood they will be repaid. Beyond costs in the form of transfers, implementing this provision will come with small administrative costs for the Department. Administrative costs are discussed separately at the end of this subsection of the RIA.

Part 682—Federal Family Education Loan (FFEL) Program

Subpart D—Administration of the Federal Family Education Loan Programs by a Guaranty Agency

§ 682.403 Waiver of FFEL Program Loan Debt.

The costs, benefits, and transfers under proposed § 682.403 would differ slightly depending on whether the loan is currently in repayment or in default at a guaranty agency. For loans in repayment, proposed § 682.403 would result in transfers between the guaranty agency using Federal funds to pay the FFEL loan holder and then assigning that loan to the Department for eventual waiver. The size of this transfer would be equal to the full outstanding balance of the loan owed to private loan holders, plus unpaid interest and fees, as applicable. Such a transfer would not occur for loans in default at a guaranty agency. For these loans, the former private loan holder had already been paid a default claim payment by the guaranty agency using Federal funds. The costs from a transfer would be more directly from the Department to the borrower, as the guaranty agency would assign the loan to the Department, which would then waive the remaining balance.

These waivers would provide significant benefits to borrowers, who would be relieved of their obligation to make further payments on their loans. For § 682.403(b)(1) the benefits are similar to those provided in § 30.83 for borrowers whose loans are managed by the Department and are at least 25 years old. Such waivers would benefit borrowers who have been unable to fully repay their loans over a reasonable period of time. Such borrowers tend to be older and many of these borrowers have spent time in default. Waiving such loans provides relief to borrowers who have shown persistent challenges with repayment and, in the case of older borrowers, would likely improve their financial stability in their final years.

The benefits of § 682.403(b)(2) are similar to some of those of § 30.85, which provides a waiver for borrowers eligible for a targeted forgiveness opportunity. In this case, only borrowers who would otherwise be eligible for a closed school loan discharge but have not applied would be covered. These borrowers would receive a discharge were they to apply. However, as research from GAO has shown, many borrowers eligible for closed school loan discharges in the past have not successfully applied for this relief, and many of these borrowers end up in default.[99] This provision would benefit such borrowers by granting them relief and ensuring they do not unnecessarily experience default.

The benefits of § 682.403(b)(3), meanwhile, are similar to the benefits that would be available under § 30.86 for borrowers who attend institutions that become ineligible for Federal aid because of high cohort default rates. These waivers would apply to borrowers who are part of cohorts that produced the high rates of default

[98] These data are available at *https://studentaid.gov/data-center/school/ge/data.*

[99] *https://www.gao.gov/assets/gao-21-105373.pdf.*

resulting in title IV ineligibility, meaning many such borrowers are likely either currently in default or have spent time in default in the past. These waivers would significantly benefit borrowers by no longer making them repay loans where there is existing evidence of borrowers struggling to repay their loans at high rates that exceed the Department's accountability standards. Table 3.11 below shows the number and characteristics of borrowers who would be eligible for waivers under § 682.403. Of note is the fact that 45 percent of these borrowers ever experienced a default, and we estimate about 30 percent are currently in default.

TABLE 3.11—ESTIMATE OF THE NUMBER AND CHARACTERISTICS OF BORROWERS WHO WOULD BE ELIGIBLE FOR WAIVERS UNDER § 682.403

Number of Borrowers Receiving Any Forgiveness Under this Provision	0.9 M
Of Those Receiving Forgiveness, Share Who:	
Have Any Parent PLUS Loans	14%
Ever Received a Pell grant *	19%
Ever Had a Default	45%
Age <30	0%
Age 30–50	27%
Age 50+	73%
Highest Level Enrolled: 1st or 2nd Year Undergrad	24%
Highest Level Enrolled: 3+ Year Undergrad	34%
Highest Level Enrolled: Graduate School	36%
Oldest Loan In Repayment <10 Years	0%
Oldest Loan In Repayment 10–20 Years	0%
Oldest Loan In Repayment 20+ Years	99%

Notes: Results from a five percent sample of the student loan portfolio. All numbers are rounded. Forgiveness is for borrowers with any commercial FFEL loans that entered repayment on July 1, 2000 or earlier, borrowers with at least one commercial FFEL loan with a positive outstanding balance to attend an institution that failed CDR metrics between 1992 and 1998 or 2015 to 2020, and was closed or not providing title IV aid to students as of 2002 or 2022 respectively, or having a loan to attend an institution that lost eligibility for title IV between 1999 and 2014 due to CDR sanctions, or from a school that closed just after, or during, the student's enrollment.

* Pell status is unavailable for most borrowers who entered repayment on their last loan before 1999.

The Department would benefit from the provisions in § 682.403, as well. Some of these loans have already been in default in the past and may not be repaid. In those cases, taxpayers have already compensated the lender for the default and the debt may not be collected. In addition, and as noted earlier, these provisions are similar to several of the waiver provisions for Department-held loans. The Department benefits from treating borrowers with commercially held FFEL loans in a similar manner as borrowers with ED-held loans because it streamlines providing relief to borrowers who could consolidate into the Direct Loan program and it reduces the Department's need to respond to borrower confusion.

The waivers may also provide some benefits for holders of FFEL loans by fully paying off loans that are either unlikely to ever be repaid or that may not be repaid in a reasonable period. In the years before the FFEL program stopped issuing new loans, many lenders chose to securitize their outstanding loans by issuing asset-backed securities. This approach creates long-term bond obligations that must be repaid using the payments made by borrowers and any subsidies received from the Department. However, the growth in the number of borrowers using the IBR plan to repay these privately held FFEL loans may be resulting in fewer incoming payments than expected. In 2020, the *Wall Street Journal* reported how some student loan asset-backed securities were extending the anticipated pay off date of the bond by decades, including as much as 54 years to avoid potential write-downs by credit rating agencies.[100] Compensating a lender for outstanding amounts of loans that are not on track to be repaid even after 20 or 25 years since entering repayment may provide a benefit to lenders and bond holders that are otherwise struggling to receive sufficient repayments.

The bulk of the costs from this provision would accrue to the Department by paying guaranty agencies to compensate loan holders for the outstanding value of loans that the Secretary chooses to waive. The Department believes these costs are justified because the benefits to the Department and the borrower to address loans that are unlikely to be fully repaid are significant. In some cases, such as loans owed by borrowers who attended closed schools, these are also debts that could be forgiven otherwise as soon as the borrower submits certain paperwork.

We anticipate administrative expenses associated with the provisions in proposed § 682.403. We think these costs would be reasonable because the provisions in this section largely mirror existing regulations for processing certain discharges in the FFEL program, which have been used for some time. To that end, loan servicers and guaranty agencies would not need to stand up a whole new process. That means any costs would likely relate to producing the necessary paperwork for a lender to submit a claim to the guaranty agency and for the guaranty agency to process that claim and assign the loan to the Department. The Department would also incur administrative costs to receive and then waive an assigned loan, which are discussed in the separate section on administrative costs at the end of this subsection of the RIA. But this assignment and waiver process would also leverage existing channels. Finally, it is possible that some lenders could face costs from no longer receiving the quarterly special allowance payments (SAP) that are payable to FFEL loan holders on certain loans. These amounts vary based upon when a loan was disbursed and other factors.[101] The extent to which forgoing future SAP payments on a loan represents a cost will depend significantly on whether the loan was otherwise being repaid as expected or not. For example, a loan holder that was receiving lower than anticipated payments due to a borrower being on IBR may be financially better off to have the loan paid off and forgo the SAP

[100] *https://www.wsj.com/articles/a-borrower-will-be-114-when-bonds-backed-by-her-student-loans-mature-11578393002.*

[101] *https://fsapartners.ed.gov/sites/default/files/2023-01/SAPMemoQ42022.pdf.*

payment. A loan that is otherwise being paid down might see some costs due to forgoing SAP. But this would also require factoring in the value of receiving payments today instead of hypothetical future ones.

Administrative Costs

These proposed rules would create administrative costs for the Department if the Secretary were to exercise his discretion to provide waivers under any of these sections. These costs are reported as a separate section because they generally represent a set of baseline expenses that the Department would incur. The marginal costs of implementing one change but not another would vary depending on the proposed regulatory section in question. For instance, the marginal cost of implementing § 30.82 on top of § 30.81 is smaller than it would be if the Department were to implement § 30.82 on top of § 30.83. Accordingly, we are presenting an overall estimate, the cost of which would be lower for solely the provisions related to §§ 30.83 through 30.85. The Department does include a separate discussion for § 682.403, which is a different process that would involve granting a waiver after taking assignment of a loan. We estimate these cumulative costs would be largely split across the 2024 and 2025 fiscal years.

Overall, the Department estimates that the waivers in §§ 30.81 through 30.88 would require one-time administrative expenses of approximately $13.0 million. These costs are associated with changes to Department systems and contractors. In addition, we estimate an additional cost of $18.0 million for waivers associated with § 682.403. This is due to the assumption of a per-borrower cost for processing the waiver on an assigned loan.

Unduplicated Estimate of the Number of Borrowers Receiving Waivers Because of §§ 30.81 Through 30.88 and Part 682, Subpart D

The estimates in the above discussion showed the projected effect of each waiver as a distinct action. An exception to this is the estimate for § 30.82, which does not include borrowers who are eligible in § 30.81. Doing so reflects the separate and independent nature of the provisions and how the rationale behind each is unique. However, it is possible that a given borrower could end up in multiple categories. Therefore, to assist readers in understanding the combined total of these potential waivers, we present Table 3.12 below. This table shows the estimated effect of these provisions in terms of the number of borrowers affected. The total for each provision is included independently, and matches the numbers provided in the tables above. In the last row, we display that 27.6 million unique borrowers, de-duplicated across all provisions, that would receive a waiver. This number removes duplication from the tables that are found elsewhere in this subsection of the RIA.

TABLE 3.12—ESTIMATED NUMBER OF BORROWERS WHO WOULD BE ELIGIBLE FOR WAIVERS UNDER VARIOUS PROVISIONS

	Number of borrowers (millions)
§ 30.81 Waiver when the current balance exceeds the balance upon entering repayment for borrowers on an IDR plan	6.4
§ 30.82 Any balance growth Up to $20K	19.0
§ 30.83 Waiver based on time since a loan first entered repayment	2.6
§ 30.84 Waiver when a loan is eligible for forgiveness based upon repayment plan	1.7
§ 30.85 Waiver when a loan is eligible for a targeted forgiveness opportunity.	0.3
§ 30.86 Waiver based upon Secretarial actions	<0.1
§ 30.88 Waiver for closed Gainful Employment (GE) programs with high debt-to-earnings rates or low median earnings	<0.1
Part 682 Federal Family Education Loan (FFEL) Program Subpart D—Administration of the Federal Family Education Loan Programs by a Guaranty Agency	0.9
Unique Borrowers across §§ 30.81 through 30.88 and Part 682, Subpart D	27.6

Notes: All numbers are rounded.

4. Net Budget Impact

Table 4.1 provides an estimate of the net Federal budget impact of these proposed regulations that are summarized in Table 2.2 of this RIA. This includes both costs of a modification to existing loan cohorts and costs for loan cohorts from 2025 to 2034. A cohort reflects all loans originated in a given fiscal year. Consistent with the requirements of the Credit Reform Act of 1990, budget cost estimates for the student loan programs reflect the estimated net present value of all future non-administrative Federal costs associated with a cohort of loans. The baseline for estimating the cost of these final regulations is the President's Budget for 2025 (PB2025).

TABLE 4.1—ESTIMATED BUDGET IMPACT OF THE NPRM

[$ in millions]

Section	Description	Modification score (1994–2024)	Outyear score (2025–2034)	Total (1994–2034)
§ 30.83	Loans that first entered repayment 20 or 25 years ago as of FY2025.	13,762		13,762
§ 30.84	Eligible for forgiveness on an IDR plan but not currently enrolled in an IDR plan.	8,663		8,663
§ 30.86	Took out loans during cohorts that caused school to lose access to aid due to high CDRs.	15		15
§ 30.85	Eligible for a closed school loan discharge but has not successfully applied.	7,565		7,565

TABLE 4.1—ESTIMATED BUDGET IMPACT OF THE NPRM—Continued

[$ in millions]

Section	Description	Modification score (1994–2024)	Outyear score (2025–2034)	Total (1994–2034)
§ 30.86–§ 30.88	Borrowed to attend a gainful employment program that lost access to aid or closed.	11,927	15,274	27,201
§ 30.81	Current balance exceeds amount owed upon entering repayment for borrowers on an IDR plan with income below certain thresholds.	10,966		10,966
§ 30.82	Current balance exceeds amount owed upon entering repayment for borrowers not on an IDR plan or who are on an IDR plan but have incomes above the thresholds in 30.81.	62,094		62,094
§ 682.403	Commercial FFEL loans that first entered repayment 25 years ago; eligible for a closed school discharge, but have not applied; or loans to attend a school that lost access to aid due to high CDRs, for applicable cohort.	17,053		17,053

It is possible that borrowers may qualify for more than one provision, but they can only receive one waiver of the full outstanding balance of a loan. Accordingly, the primary budget estimate stacks the scores in the order shown with waivers resulting in the full relief of a loan's outstanding balance evaluated prior to considering waivers related to partial forgiveness of amounts related to balance growth. However, all the relief available to borrowers of FFEL loans is reflected in one estimate after the estimates for the other provisions. The Department believes this stacked estimation is appropriate for the primary estimates of the proposed regulations.

Methodology for Budget Impact

The Department estimated the budget impact of the provisions in this draft rule that permits the Secretary to waive some or all of the outstanding balance of loans through changes to the Department's Death, Disability, and Bankruptcy (DDB) assumption that handles a broad range of loan discharges or adjustments, the collections assumption to reflect balance changes on loans that ever defaulted, and the IDR assumption for effects on borrowers in those repayment plans. The projected amount of forgiveness is estimated based on administrative data about the loan portfolio that allows us to identify loans eligible for the various waivers. The DDB assumption is used in the Student Loan Model (SLM) to determine the rate and timing of loan discharges due to the death, disability, bankruptcy, or other discharge of the borrowers. The SLM is designed to calculate cash flow estimates for the Department's Federal postsecondary student loan programs in compliance with the Federal Credit Reform Act (FCRA) and all relevant federal guidance. The SLM calculates student loan net cost estimates for loan cohorts where a cohort consists of the loans originated in a given budget (fiscal) year. The model operates with input data obtained from historical experience and other relevant data sources. The SLM cash flow components range from origination fees through scheduled principal and interest payments, defaults, collections, recoveries, and fees. The cash flow time period begins with the fiscal year of first disbursement and ends with the fiscal year of the events at the end of the life of the loan: repayment, discharge, or forgiveness.

For each loan cohort, the SLM contains separate DDB rates by loan program, population (Non-Consolidated, Consolidated Not From Default, and Consolidated From Default), loan type, and budget risk group (Two-Year Public and Not-for-Profit, Two-Year Proprietary, Four-Year Freshman and Sophomore, Four-Year Junior and Senior, and Graduate Student). The DDB rate is the sum of several component rates that reflect underlying claims data and assumptions about the effect of policy changes and updated data on future claims activity. In general, DDB claims are aggregated as the numerator by fiscal year of origination and population, program, loan type, risk group, and years from origination until the DDB claims. Zeros are used for any missing categories in the numerator. Net loan amounts are aggregated as the denominator by fiscal year of origination and population, program loan type, and risk group. The DDB rate is simply the ratio of the numerator to the denominator. Because the SLM only allows for DDB rates to be specified up to 30 years from origination, DDB claims occurring more than 30 years after origination are included in the year 30 rate. DDB rates for future cohorts are forecasted using weighted averages of prior year rates and have a number of additions and adjustment factors built into it to capture policies or anticipated discharges that are not reflected in the processed discharge data yet including adjustments for anticipated increased borrower defense and closed school activity.

For estimates related to waivers granted to borrowers enrolled in IDR repayment plans, the Department has a borrower and loan type level submodel that generates representative cashflows for use in the SLM. This IDR submodel contains information about borrowers' time in repayment, the use of deferments and forbearances, estimated incomes and filing statuses, and annual balances. For these estimates, we also imputed whether the borrower would be eligible for the waivers related to CDR or GE in proposed §§ 30.86 through 30.88. Therefore, we are able to identify the borrowers in the IDR submodel who would be eligible for one of the proposed waivers and incorporate that effect either by ending the payment cycle for borrowers who receive a total balance waiver or eliminating the excess balance for borrowers who would be eligible for waivers under either §§ 30.81 or 30.82.

Partial forgiveness of balances for borrowers already modeled to be on an IDR plan can have three different effects depending upon whether or not the borrower was expected to get IDR forgiveness prior to these waivers, and whether the waiver changes that anticipated outcome. These effects are:

1. Before and after the policy is applied, borrowers are expected to receive some IDR forgiveness at the end of their repayment term. For these borrowers, the waivers would affect the amount ultimately forgiven, but because payments are based upon income and

the amount of time borrowers are expected to repay is unchanged, there is no effect on the amount of anticipated future payments.

2. The borrower was expected to receive IDR forgiveness before the policy's application, but afterward is now expected to pay off their balance before receiving IDR forgiveness. Because these borrowers are now expected to repay in less time, there is some reduction in the amount of anticipated future payments.

3. Before applying the policy, the borrower was expected to retire their loan balance prior to receiving IDR forgiveness, but as a result of the policy is now expected to retire their balance sooner. Because these borrowers are now expected to repay in less time, there is some reduction in the amount of anticipated future payments.

We project that most borrowers modeled to be on IDR would end up in the first group. Since these borrowers would not see a change in the amount they pay before receiving forgiveness, we do not assign a cost to the waivers for these borrowers. Any costs associated with the forgiveness of amounts above the balance owed at repayment entry for IDR borrowers is limited to the minority of borrowers in the second and third groups, for whom the forgiveness reduces the number of payments needed to fully repay their loan. The result is we do not anticipate significant costs for the waivers that would be granted under §§ 30.81 or 30.82 for borrowers in IDR.

We are not assigning an estimated outyear budget cost to the provisions in § 30.84 related to borrowers who are eligible for forgiveness on a repayment plan but have not successfully enrolled in such plan. We already assign a high percentage of future borrowers who would be eligible for forgiveness on an IDR plan as being in an IDR plan, including those with lower balances. Therefore, our assumption is that this provision will only affect borrowers who have already accumulated time in repayment.

For estimates related to the effects of the proposed waiver provisions on borrowers with loans not in IDR plans, the Department's approach is to: (1) estimate the potential waiver amounts borrowers would be eligible for and aggregate them by loan cohort, loan type, and budget risk group used in the SLM; (2) Add the waiver amounts for non-defaulted, non-IDR borrowers to the Department's baseline DDB assumption in FY 2025; and (3) remove the amounts associated with the waiver provisions from defaulted, non-IDR borrowers from the baseline collections assumption.

The revised IDR, DDB and collections groups are run in a SLM scenario for each provision to generate the estimates in Table 4.1. To produce the potential waiver amounts in Step 1 of this process, the Department developed a loan level file based on the FY2022 sample of NSLDS information used for preparing budget estimates. Information from this file allows the evaluation of times in repayment that qualify for one of the provisions and anticipated balances at the end of FY2024 for use in calculating the amount that the Secretary may waive for borrowers who have experienced balance growth.

To help estimate the costs of §§ 30.86 through 30.88, as well as § 682.403(b)(3), the Department reviewed information about institutions that lost eligibility to participate in title IV for CDR and the relevant timeframes for those actions and identified loans that would be eligible for a CDR-based waiver under § 30.86 and § 682.403(b)(3). Similarly, we identified loans for borrowers that entered repayment within a fiscal year of an institution's closure in the list of closed schools and assumed they would be eligible for a total balance waiver under § 30.85 and § 682.403(b)(3).[102] To estimate the effects of § 30.88, similar identification was made of students with outstanding loan balances who attended GE programs that failed the GE metrics based on the data from the 2015, 2016, and 2017 Award Years released in 2023 and did not have any students who received Title IV aid from 2018 onwards, as shown in Table 3.10. Approximately 7.4 percent of loans made by cohort 2024 in our sample qualified for total balance waiver under one of these provisions. The proposed waivers in these three sections are also applicable going forward, but the Department does not estimate a significant cost related to the CDR or closed school waiver provisions. No institutions have lost eligibility based on CDR performance since the 2014 CDR rates and only 28 institutions have lost eligibility on this basis since 1997, so we do not expect this to be a significant source of waivers for future cohorts. We also assume that closed school discharges for future loan cohorts are already captured in our baseline estimates especially given the automatic closed school discharge provision now in effect.[103] Therefore, the primary source of outyear costs estimated for these provisions is Gainful Employment performance, and a separate process using the results of the model used to estimate the cost of that regulation was used to generate an estimate for cohorts 2021–2034.

These estimates are all based off the same random sample of borrowers that is used for all other budget estimation activity related to Federal student loans for the Department. Currently, the most recent sample available is from the end of FY2022, which is the best currently available data that maintains the Department's consistent scoring practices. The Department recognizes from its general ledger records that there have been a significant number of loan discharges granted since that sample was pulled. This particularly includes forgiveness tied to IDR and PSLF.

In this NPRM, the Department provides our best budget estimates based on the most recent sample used in the required baseline, while noting that this data does not allow the Department to adjust for these recent discharges because they occurred after the date the sample used in that baseline was generated. The Department's PB2025 baseline projects its best estimates of future discharges based on the sample data and other information available when the baseline is developed. As a new sample is drawn and updated balances and loan information are available for analysis, we will incorporate that into the analysis of these waiver provisions in the final rule so that we do not attribute existing discharges to these waivers. For instance, between 2022 and 2023 the Department approved hundreds of thousands of additional discharges for borrowers through fixes to IDR and PSLF as well as automatic relief for borrowers with a total and permanent disability, and discharges based upon borrower defense findings and covered by related court settlements. These discharges include almost $44 billion in approved discharges for more than 901,000 borrowers through IDR, approximately 200,000 borrowers through a court settlement, and more than 150,000 borrowers through PSLF. The discharges also include a few tens of thousands of borrowers through total and permanent disability discharges. The Department also approved roughly 10,000 new discharges based upon borrower defense to repayment findings

[102] Federal Student Aid, *Closed School Search File.xlsx* downloaded 2/15/2024 from *https://www2.ed.gov/offices/OSFAP/PEPS/closedschools.html.*

[103] These provisions are currently administratively stayed pending appeal in *Career Colleges and Schools of Texas* v. *U.S. Department of Education*, No. 23–50491 (5th Cir.). Because the rule has not been permanently enjoined nor has a court found that the challenge to the rule is likely to succeed on the merits, the Department maintains this assumption for these purposes.

and continued processing relief for previously approved discharges.

While the Department's best estimates based on the most recent sample cannot adjust for such discharges for the reasons explained above, we can anticipate these different types of discharges are most likely to affect certain provisions. Discharges through income-based repayment could primarily reduce the costs of § 30.83; those for PSLF could primarily affect the cost of § 30.81; and those for borrower defense and other types of discharges could primarily affect § 30.82 because these borrowers are less likely to be on an IDR plan, or they could affect the costs of §§ 30.85 through 30.88 because some of these borrowers may have otherwise been eligible for a closed school loan discharge or attended programs that failed to provide sufficient financial value because they failed to meet standards of debt-to-earnings or earnings premium and have closed. We anticipate having a more recent sample for FY2023 available by the time we write a final rule. As a result, we anticipate that final rule would reflect those discharges that have already occurred, which may affect the results in the net budget estimate for the final rule.

Gainful Employment

The Department used the information about projected passage and failure rates of GE programs (also described as program transition rates) in the 2023 final GE regulation [104] along with enrollment and average loans in the associated categories and respective years to calculate the total amount of Federal loans that students in programs that fail GE metrics will get relief from 2021–2034 under § 30.86. In our modeling we do not project that institutions will voluntarily close programs prior to a failure or other Secretarial action based on failing to deliver sufficient financial value, so we do not include any modeling for § 30.87. The rates for 2026 represent the program transition rates before the second GE metrics will be published and programs could lose eligibility for students who attend to borrow Federal loans and receive Pell Grants. For our budget estimate, the time frame for applying these rates was extended back to 2021 to account for students who attended during the years on which the metrics are based and would subsequently get relief on their associated Federal loans. As done in the analyses of the 2014 and 2023 GE regulations, the Department assumes institutions at risk of warning or sanction would take at least some steps to improve program performance by improving program quality, increasing job placement and academic support staff, and lowering prices (leading to lower levels of debt). Evidence and further discussion of this can be found in the 2023 GE regulation. Therefore, the rates for 2027 to 2033 represent the program transition rates after programs could be sanctioned and reflect an increase in the probability of having a passing result. In this analysis, the rates for 2027 to 2033 were used in calculating the amount of total relief for cohorts 2027 to 2034, extending to the last outyear of the current budget window.

To calculate the percent of enrollment by program type, performance category, and cohort that would receive relief, the program transition rates for the given year were transformed to account for students whose loans would be eligible for forgiveness in that year, in the next year, and two years out. These percents are shown below in Table 4.2. For all enrollment at programs that fail for a second time and are deemed to become ineligible moving forward, students in qualifying cohorts would be eligible to receive relief on their associated loans to attend those programs, which is indicated by the 100 percent for pre-ineligible programs. To estimate the percent of enrollment at programs with one failure (for D/E, EP, or both) whose students would be eligible for forgiveness in the next year, the rate of one failure was multiplied by the rate of a following second failure that would cause the program to become ineligible moving forward. To estimate the percent of enrollment at programs that are passing in a given year but whose students would be eligible to receive relief in two years, the rate of a passing program getting a failure in the next cycle was multiplied by the rate of it failing again. For example, the program transition assumptions for GE programs in the 2023 GE rule [105] shows that for 4-year programs in 2027, the rate of passing programs expected to fail D/E, EP, or both in the next year are 3.1 percent, 0 percent, and 0.2 percent, respectively. The rates of each of these paths for a passing program to fail a metric in the following year were multiplied by the rates of the program failing the same or both metrics again and becoming ineligible, 73.5 percent for EP, 87.7 percent for DE, and 89.6 percent for both. Once those two sets of rates are multiplied by their failure status and summed together, the final estimate for the percent of enrollment at passing programs in 2027 to become eligible for relief in 2 years is 2.5 percent, calculated by ((3.1 percent * 73.5 percent) + (0 percent * 87.7 percent) + (0.2 percent * 89.6 percent)). Last, students at programs that were already deemed ineligible in the past would not receive Federal aid to attend and therefore not be eligible to receive relief on those loans, which is indicated by the 0 percent for ineligible programs. These percentages were multiplied by the enrollment and average loans calculated in the 2023 GE regulation in the associated categories (loan type and budget risk group) and respective years (cohorts 2021–2026 and 2027–2034) to calculate the total loans that would be eligible for relief under § 30.86.

TABLE 4.2—PERCENT OF ENROLLMENT THAT WOULD BE ELIGIBLE FOR RELIEF BY PROGRAM TYPE AND PERFORMANCE CATEGORY

	2021–2026	2027–2034
Proprietary 2-year or less		
Pass	7.8	5.3
Fail D/E only	81.2	76.2
Fail EP only	89.2	84.2
Fail Both	96.6	91.6
Pre-Ineligible	100.0	100.0
Ineligible	0.0	0.0
Public and Nonprofit 2-year or less		
Pass	2.2	0.8
Fail D/E only	39.5	34.5

[104] 88 FR 70158 (October 10, 2023).

[105] 88 FR 70158 (October 10, 2023).

TABLE 4.2—PERCENT OF ENROLLMENT THAT WOULD BE ELIGIBLE FOR RELIEF BY PROGRAM TYPE AND PERFORMANCE CATEGORY—Continued

	2021–2026	2027–2034
Fail EP only	52.7	47.7
Fail Both	70.9	65.9
Pre-Ineligible	100.0	100.0
Ineligible	0.0	0.0
4-year		
Pass	4.7	2.5
Fail D/E only	78.6	73.6
Fail EP only	96.5	91.3
Fail Both	94.6	89.6
Pre-Ineligible	100.0	100.0
Ineligible	0.0	0.0
Graduate		
Pass	2.4	0.4
Fail D/E only	80.1	75.1
Fail EP only	0.0	0.0
Fail Both	91.3	86.3
Pre-Ineligible	100.0	100.0
Ineligible	0.0	0.0

Once estimated, the dollar amounts of forgiveness from this gainful employment performance metric is aggregated by cohort, loan type, and budget risk group and divided by the net loan volume for those same categories. This generated an adjustment factor based on the modeled future GE rate performance that is added to the PB2025 baseline DDB rate. To get the full potential cost of the GE related provisions, those increased DDB rates were fed into the second step of the main estimation process for the non-IDR estimate so that the combined effects on DDB can be loaded as one DDB assumption group in the SLM as increased DDB rates. This resulted in the increase in costs associated with the gainful employment provision of approximately $27.2 billion for cohorts 1994–2034.

Budget Impact Sensitivities

While the primary estimates presented in Table 4.1 are based on the best data the Department has available currently, we recognize some of the impacts depend on borrower action in the period since our data was extracted and the implementation of the proposed waiver provisions. One effect is the response of programs and institutions if they have a program that fails the GE regulations. The primary estimate includes assumptions that some failing programs improve and therefore do not fail again and lose access to title IV, HEA programs. In the alternative budget scenario, we model the effects if there is no improvement by failing GE programs. We use the results of that scenario from the gainful employment final rule to estimate the higher outyear costs displayed in Table 4.3.

Another modeling assumption that affects the net budget impact of the proposed waivers relates to the payment behavior of borrowers in FY 2024. Payments and interest have resumed following the multi-year COVID–19 payment pause and the extent to which borrowers do not make payments and accumulate additional interest or make payments and therefore reduce interest that has already accumulated will affect the net budget impact. The Department has looked at payment reports from the initial months since the return to repayment and looked at the percentage of outstanding balances in repayment were less than 31 days delinquent. In the primary net budget impact score, we assumed that half of the borrowers that were more than 31 days late in the non-IDR, non-defaulted part of our sample would start to make payments prior to the rule taking effect and did not add additional interest to their balance. For this alternative, we added a year of interest to all borrowers in deferment, forbearance, or over 30 days delinquent statuses to estimate the effect of this payment behavior factor.

TABLE 4.3—ALTERNATE BUDGET SCENARIOS

Alternative scenario	Description	Modification score (1994–2024)	Outyear score (2025–2034)	Total (1994–2034)
Payers in FY2024	The estimated balances in FY2024 depend on assumption about borrower payment behavior. This alternative adds a year of interest to the 37% of borrowers not in a good payment status (under 30 days delinquent) in January 2024 payment reporting. This compares to the primary estimate in which half of those borrowers in delinquent, deferred, or forbearance status were treated as paying.	68,272	0	68,272
GE No Program Improvement	Uses the No Program Improvement estimate from GE modeling to estimate increased outyear impact from more students being in programs that fail the accountability measures.	11,927	19,835	31,762

5. Accounting Statement

As required by OMB Circular A–4, we have prepared an accounting statement showing the classification of the expenditures associated with the provisions of these regulations. Table 5.1 provides our best estimate of the changes in annual monetized transfers that may result from these proposed regulations.

TABLE 5.1—ACCOUNTING STATEMENT: CLASSIFICATION OF ESTIMATED EXPENDITURES

[In millions]

Category	Benefits
Reduction in loans that are unlikely to be repaid in full in a reasonable period	Not quantified
Increased ability for borrowers to repay loans that have grown beyond their balance at repayment entry	Not quantified
Reduced administrative burden for Department due to reduced servicing, default, and collection costs	Not quantified
Category	**Costs**
	2%
Costs of compliance with paperwork requirements for guaranty agencies and commercial FFEL loan holders	$12.06
One-time administrative costs to Federal government to update systems and contracts to implement the proposed regulations	3.4
Category	**Transfers**
Reduced transfers from borrowers due to waivers:	2%
Based on excess balances upon entering repayment of IDR borrowers under income limits in § 30.81	1,197
Based on excess balances upon entering repayment of all borrowers in § 30.82	6,777
Based on time in repayment in § 30.83	2,893
Based on eligibility for forgiveness in IDR in § 30.84	945
Based on eligibility for forgiveness from Closed School in § 30.85	826
Based on eligibility for forgiveness from CDR in § 30.86	2
Based on eligibility for forgiveness from GE in § 30.86–§ 30.88	2,848
Based on provisions affecting commercial FFEL borrowers in § 682.403	1,861

Expenditures are classified as transfers from the Federal government to affected student loan borrowers.

6. Alternatives Considered

The Department considered the option of not proposing these regulations. However, we believe these rules are important to inform the public about how the Secretary would exercise his longstanding authority related to waiver in a consistent manner. The Department thinks foregoing these proposed regulations would reduce transparency about the Secretary's discretionary use of waiver. For all the reasons detailed above, such waivers would produce substantial, critical benefits for borrowers and the Department, among others, and reduce some costs for the Department as well. Overall, the Department's analysis of costs and benefits weighs in favor of the proposed regulations.

As part of the development of these proposed regulations, the Department engaged in a negotiated rulemaking process in which we received comments and proposals from non-Federal negotiators representing numerous impacted constituencies. These included higher education institutions, legal assistance organizations, consumer advocacy organizations, student loan borrowers, civil rights organizations, state officials, and state attorneys general. Non-Federal negotiators submitted a variety of proposals relating to the issues under discussion. Information about these proposals is available on our negotiated rulemaking website at *https://www2.ed.gov/policy/highered/reg/hearulemaking/2023/index.html.*

In drafting this NPRM, the Department considered many alternatives. For provisions related to waiving balances beyond what a borrower owed upon entering repayment, we considered several ideas that would have provided a capped amount of relief for borrowers that met certain conditions. For instance, during negotiated rulemaking we considered capping the amount of a waiver at $20,000 for borrowers on IDR plans with incomes at or below 225 percent of the Federal poverty guidelines. However, many negotiators raised concerns that the amount of relief granted was too low to fully address the issue of balance growth. They also raised concerns that having such an income cap would miss many middle-income borrowers who have also experienced balance growth and need assistance. We were convinced by these comments that it would be better to provide relief to a wider group of borrowers and instead protect against providing undue benefits to the highest income borrowers, which is reflected in this proposed rule in § 30.81. We thought this approach was superior to alternative ways to address concerns about targeting, such as providing a sliding scale of relief that would decrease as income rises. We were concerned that such an approach would be operationally complicated and confusing to explain to borrowers. Similarly, we considered providing up to $10,000 in relief for borrowers not on an IDR plan or whose incomes were above a certain threshold as opposed to the $20,000 limit proposed in this draft rule. However, we were persuaded during negotiated rulemaking that a relief threshold of $10,000 would miss providing sufficient assistance to large numbers of borrowers who need the help to successfully manage their debts.

Regarding the waiver in § 30.83 for loans that entered repayment a long time ago, we considered applying the thresholds for shortened time to forgiveness present in the SAVE plan. This provision provides forgiveness after as few as 10 years of payments for borrowers who originally took out $12,000 or less, with a sliding scale of an additional year of payments for each added $1,000 in borrowing. However, we thought such an approach would not be appropriate because this timeline is only available under the SAVE plan. By contrast, the goal of § 30.83 is to address situations where borrowers have been unable to fully repay in a reasonable time and have not even been able to repay in full over an extended period. This extended period is consistent with

the forgiveness timelines on other IDR plans, which provide repayment terms of up to 20 or 25 years.

For the provisions in § 682.403, the Department considered two alternatives. We considered permitting waivers for loans that first entered repayment 20 years ago instead of 25. However, the only IDR plan available to FFEL borrowers provides forgiveness after 25 years, so we did not think it was appropriate to select a forgiveness period that is otherwise unavailable for these borrowers. We also considered including a provision similar to § 30.84 for borrowers who are eligible for but haven't applied for IBR. However, we do not believe we would have the data to make such a determination so did not include it.

7. Regulatory Flexibility Act

The Secretary certifies, under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), that this final regulatory action would not have a significant economic impact on a substantial number of ''small entities.''

These regulations will not have a significant impact on a substantial number of small entities because they are focused on arrangements between the borrower and the Department. They do not affect institutions of higher education in any way, and these entities are typically the focus on the Regulatory Flexibility Act analysis. As noted in the Paperwork Reduction Act section, burden related to the final regulations will be assessed in a separate information collection process and that burden is expected to involve individuals more than institutions of any size.

8. Paperwork Reduction Act

As part of its continuing effort to reduce paperwork and respondent burden, the Department provides the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This helps provide that: the public understands the Department's collection instructions, respondents can provide the requested data in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the Department can properly assess the impact of collection requirements on respondents.

Proposed § 682.403 in this NPRM contains information collection requirements. Under the PRA, the Department would, at the required time, submit a copy of these sections and an Information Collections Request to the Office of Management and Budget (OMB) for its review.

A Federal agency may not conduct or sponsor a collection of information unless OMB approves the collection under the PRA and the corresponding information collection instrument displays a currently valid OMB control number. Notwithstanding any other provision of law, no person is required to comply with, or is subject to penalty for failure to comply with, a collection of information if the collection instrument does not display a currently valid OMB control number. In the final regulations, we would display the control numbers assigned by OMB to any information collection requirements proposed in this NPRM and adopted in the final regulations.

Section 682.403—Waiver of FFEL Program loan debt.

Requirements: The NPRM proposes to amend part 682 by adding a new § 682.403 to allow the Secretary to waive specific Federal Family Education Loan (FFEL) Program loans held by private lenders or managed by guaranty agencies.

In the case of FFEL Program loans held by a private loan holder or a guaranty agency, under proposed § 682.403(a) the Secretary may waive the outstanding balance of a FFEL Program loan when a loan first entered into repayment on or before July 1, 2000; when the borrower is otherwise eligible for, but has not successfully applied for, a closed school discharge; or when the borrower attended an institution that lost its title IV eligibility due to a high CDR, if the borrower was included in the cohort whose debt was used to calculate the CDR or rates that were the basis for the institution's loss of eligibility. If the Secretary chose to exercise his discretion under this section, the Secretary would notify the lender that a loan qualifies for a waiver and the lender would be instructed to submit a claim to the guaranty agency. The guaranty agency would pay the claim, be reimbursed by the Secretary, and assign the loan to the Secretary. After the loan is assigned, the Secretary would grant the waiver.

Sections 682.403(c), and (d) describe the specific requirements of the waiver claim filing process for a lender, and guaranty agency, with the Department.

Section 682.403(c) *Notification* provides that if the Secretary determines that a loan qualifies for a waiver, the Secretary notifies the lender and directs the lender to submit a waiver claim to the applicable guaranty agency and to suspend collection activity or to maintain suspension of collection activities on the loan.

Section 682.403(d) *Claim Procedures* describes the waiver claim procedures. Under proposed § 682.403(d)(1), the guaranty agency would be required to establish and enforce standards and procedures for the timely filing of waiver claims by lenders.

Proposed § 682.403(d)(2) would require the lender to submit a claim for the full outstanding balance of the loan to the guaranty agency within 75 days of the date the lender received the notification from the Secretary. Under proposed § 682.403(d)(3), the lender would be required to provide the guaranty agency with an original or a true and exact copy of the promissory note and the notification from the Secretary when filing a waiver claim. Proposed § 682.403(d)(4) would allow a lender to provide alternative documentation deemed acceptable to the Secretary if the lender is not in possession of an original or true and exact copy of the promissory note.

Proposed §§ 682.403(d)(5) and (d)(6) would require the guaranty agency to review the waiver claim and determine whether it meets the applicable requirements. If the guaranty agency determines that the claim meets the requirements specified in proposed §§ 682.403(d)(3) and 682.403(d)(4) the guaranty agency would be required to pay the claim within 30 days of the date the claim was received.

Proposed § 682.403(d)(9)(i) would require the guaranty agency to assign the loan to the Secretary within 75 days of the date the guaranty agency pays the claim and receives the reimbursement payment. If the guaranty agency is the loan holder, under proposed § 682.403(d)(9)(ii) the guaranty agency would be required to assign the loan on the date that the guaranty agency receives the notice from the Secretary.

Burden Calculations

§ 682.403(d)(1) *Claim Procedures.*

The proposed regulatory changes would add burden to lenders and guaranty agencies and would require a new collection in the Federal Student Aid information collection catalog. As noted in Table 3.11 in this RIA and explained in the costs, benefits, and transfers section, we currently estimate that approximately 900,000 commercial FFEL borrowers would qualify for this waiver claim. Of these, an estimated 300,000 are currently in default at a guaranty agency and therefore are not affected by the claim procedures related to lenders. These waivers affect the current 314 lenders (268 For-Profit and 46 Not-For-Profit) and the current 12

guaranty agencies (6 Not-For-Profit and 6 Public). Among those 12 guaranty agencies we estimate that about 80 percent of borrowers would be processed by Not-For-Profit guarantors and 20 percent would be processed by Public guarantors. The costs are estimated using the median hourly wage of $31.60 reported by the Bureau of Labor Statistics for loan officers.[106] We estimated the number of hours needed per task in the sections below based upon discussions with Department staff that have worked on similar processes in the past. These figures and considerations are the basis for the following estimations.

The proposed regulations in § 682.403(d)(1) *Claim Procedures* would require the 12 guaranty agencies to establish and enforce standard procedures of timely waiver filing by affected lenders.

We estimate that these procedures would follow the current discharge processes that guaranty agencies utilize, therefore minimizing development of the new procedures. We estimate that it would take each guaranty agency two hours to draft the required standard procedures for a total of 24 hours (12 guaranty agencies × 2 hours).

§ 682.403(d)(1) CLAIM PROCEDURES—OMB CONTROL NUMBER 1845–NEW

Affected entity	Respondent	Responses	Burden hours	Cost $31.60 per hour
Private non-profit	6	6	12	$379
Public	6	6	12	379
Total	12	12	24	758

§§ 682.403(d)(2), (3), and (4) *Claim Procedures.*

The proposed regulations in §§ 682.403(d)(2), (3), and (4) *Claim Procedures* would require affected lenders to submit claims to the guaranty agencies based on the notification received from the Department as established in § 682.403(c) within seventy-five days of receiving the notification. The documentation includes the original or a true and exact copy of the promissory note, and the notification received from the Department. If a lender does not have the original or true and exact copy of the promissory note, it may submit alternate documentation acceptable to the Secretary.

We are estimating that each lender would require three hours per borrower to gather the required documentation together and prepare to submit the documentation to the appropriate guaranty agency for a total of 1,800,000 hours (600,000 borrowers × 3 hours).

§§ 682.403(d)(2), (3), AND (4) CLAIM PROCEDURES—OMB CONTROL NUMBER 1845–NEW

Affected entity	Respondent	Responses	Burden hours	Cost $31.60 per hour
Private non-profit	46	90,000	270,000	$8,532,000
For-profit	268	510,000	1,530,000	48,348,000
Total	314	600,000	1,800,000	56,880,000

§ 682.403(d)(5) *Claim Procedures.*

The proposed regulations in § 682.403(d)(5) *Claim Procedures* would require affected guaranty agencies to review the waiver claim and supporting documentation from the lenders to determine that the document meets the requirements of §§ 682.403(d)(3), and (4).

We estimate that it would take each guaranty agency one hour to review the incoming documentation for a total of 600,000 hours (600,000 borrower documentation files × 1 hour).

§ 682.403(d)(5) CLAIM PROCEDURES—OMB CONTROL NUMBER 1845–NEW

Affected entity	Respondent	Responses	Burden hours	Cost $31.60 per hour
Private non-profit	6	480,000	480,000	$15,168,000
Public	6	120,000	120,000	3,792,000
Total	12	600,000	600,000	18,960,000

§ 682.403(d)(6) *Claim Procedures.*

The proposed regulations in § 682.403(d)(6) *Claim Procedures* would require affected guaranty agencies, after determining waiver claims submitted by the lender meet the regulatory requirements, to pay the waiver claim to the lenders within 30 days of receipt of the waiver claim.

We estimate that it would take each guaranty agency 20 minutes to prepare and submit the payment for a total of 198,000 hours (600,000 borrower waiver claim payment × .33 hours).

[106] *https://www.bls.gov/oes/current/oes132072.htm.*

§ 682.403(d)(6) CLAIM PROCEDURES—OMB CONTROL NUMBER 1845–NEW

Affected entity	Respondent	Responses	Burden hours	Cost $31.60 per hour
Private non-profit	6	480,000	158,400	$5,005,440
Public	6	120,000	39,600	1,251,360
Total	12	600,000	198,000	6,256,800

§ 682.403(d)(9) *Claim Procedures.*

The proposed regulations in § 682.403(d)(9) *Claim Procedures* would require affected guaranty agencies to assign a loan that it paid through the waiver claim process within 75 days of the date that it pays the waiver claim to the lender or the date of notification from the Department if the guaranty agency is the lender.

We estimate that it would take each guaranty agency one hour to assign the loans which have been paid through the waiver claim process or that was otherwise already at the guarantor for a total of 900,000 hours (900,000 borrower documentation files × 1 hour).

§ 682.403(d)(9) CLAIM PROCEDURES—OMB CONTROL NUMBER 1845–NEW

Affected entity	Respondent	Responses	Burden hours	Cost $31.60 per hour
Private non-profit	6	720,000	720,000	$22,752,000
Public	6	180,000	180,000	5,688,000
Total	12	900,000	900,000	28,440,000

Consistent with the discussions above, the following chart describes the sections of the proposed regulations involving information collections, the information being collected and the collections that the Department would submit to OMB for approval and public comment under the PRA, and the estimated costs associated with the information collections. The monetized net cost of the increased burden for institutions, lenders, guaranty agencies and students, using wage data developed using Bureau of Labor Statistics (BLS) data. For institutions, lenders, and guaranty agencies we have used the median hourly wage for Loan Officers, $31.60 per hour according to BLS. *https://www.bls.gov/oes/current/oes132072.htm.*

COLLECTION OF INFORMATION

Regulatory section	Information collection	OMB control No. and estimated burden	Estimated cost $31.60 per hour
§ 682.403(d)(1)	Under proposed § 682.403(d)(1) the guaranty agency would be required to establish and enforce standards and procedures for the timely filing of waiver claims by lenders.	1845–NEW; 24 hours	$758
§ 682.403(d)(2), (3), & (4)	The proposed regulations in 682.403(d)(2), (3), and (4) *Claim Procedures* would require affected lenders to submit claims to the guaranty agencies based on the notification received from the Department as established in 682.403(c) within seventy-five days of receiving the notification. The documentation includes the original or a true and exact copy of the promissory note, and the notification received from the Department. If a lender does not have the original or true and exact copy of the promissory note, it may submit alternate documentation acceptable to the Secretary.	1845–NEW; 1,800,000	56,880,000
§ 682.403(d)(5)	The proposed regulations in 682.403(d)(5) *Claim Procedures* would require affected guaranty agencies to review the waiver claim and supporting documentation from the lenders to determine that the document meets the requirements of 682.403(d)(3), and (4).	1845–NEW; 600,000	18,960,000
§ 682.403(d)(6)	The proposed regulations in 682.403(d)(6) *Claim Procedures* would require affected guaranty agencies, after determining waiver claims submitted by the lender meet the regulatory requirements, to pay the waiver claim to the lenders within thirty days of receipt of the waiver claim.	1845–NEW; 198,000	6,256,800

COLLECTION OF INFORMATION—Continued

Regulatory section	Information collection	OMB control No. and estimated burden	Estimated cost $31.60 per hour
§ 682.403(d)(9)	The proposed regulations in 682.403(d)(9) *Claim Procedures* would require affected guaranty agencies to assign a loan that it paid through the waiver claim process with- in seventy-five days of the date that it pays the waiver claim to the lender or the date of notification from the Department if the guaranty agency is the lender.	1845–NEW; 900,000	28,440,000
Total		1845–NEW; 3,498,024	110,537,588

If you wish to review and comment on the Information Collection Requests, please follow the instructions in the **ADDRESSES** section of this notification. Note: The Office of Information and Regulatory Affairs in OMB and the Department review all comments posted at *www.regulations.gov.*

In preparing your comments, you may want to review the Information Collection Request, including the supporting materials, in *www.regulations.gov* by using the Docket ID number specified in this notification. This proposed collection is identified as proposed collection 1845–NEW.

We consider your comments on these proposed collections of information in—

- Deciding whether the proposed collections are necessary for the proper performance of our functions, including whether the information will have practical use.
- Evaluating the accuracy of our estimate of the burden of the proposed collections, including the validity of our methodology and assumptions.
- Enhancing the quality, usefulness, and clarity of the information we collect; and
- Minimizing the burden on those who must respond.

Consistent with 5 CFR 1320.8(d), the Department is soliciting comments on the information collection through this document. Between 30 and 60 days after publication of this document in the **Federal Register***,* OMB is required to make a decision concerning the collections of information contained in these proposed priorities, requirements, definitions, and selection criteria. Therefore, to make certain that OMB gives your comments full consideration, it is important that OMB receives your comments on these Information Collection Requests by May 17, 2024.

9. Intergovernmental Review

This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive Order is to foster an intergovernmental partnership and a strengthened Federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

10. Assessment of Education Impact

In accordance with section 411 of the General Education Provisions Act, 20 U.S.C. 1221e–4, the Secretary particularly requests comments on whether these final regulations would require transmission of information that any other agency or authority of the United States gathers or makes available.

11. Federalism

Executive Order 13132 requires us to provide meaningful and timely input by State and local elected officials in the development of regulatory policies that have Federalism implications. ''Federalism implications'' means substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. The proposed regulations do not have Federalism implications.

Accessible Format: On request to the program contact person(s) listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document 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.

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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.

List of Subjects

34 CFR Part 30

Claims, Income taxes.

34 CFR Part 682

Administrative practice and procedure, Colleges and universities, Loan programs-education, Reporting and recordkeeping requirements, Student aid, Vocational education.

Miguel A. Cardona,

Secretary of Education.

For the reasons discussed in the preamble, the Secretary of Education proposes to amend parts 30 and 682 of title 34 of the Code of Federal Regulations as follows:

PART 30—DEBT COLLECTION

■ 1. The authority citation for part 30 continues to read as follows:

Authority: 20 U.S.C. 1221e–3(a)(1), and 1226a–1, 31 U.S.C. 3711(e), 31 U.S.C. 3716(b) and 3720A, unless otherwise noted.

■ 2. Section 30.1 is amended by:

■ a. Revising paragraph (a)(2).

■ b. Revising paragraph (b).

■ c. Redesignating paragraphs (c)(7) and (c)(8) as paragraphs (c)(8) and (c)(9).

■ d. Adding a new paragraph (c)(7).

The additions and revisions read as follows:

§ 30.1 What administrative actions may the Secretary take to collect a debt?

(a) * * *

(2) Refer the debt to the Government Accountability Office for collection in accordance with § 30.70(f).

* * * * *

(b) In taking any of the actions listed in paragraph (a) of this section, the Secretary complies with the requirements of the Federal Claims Collection Standards (FCCS) at 31 CFR parts 900–904 that are not inconsistent with the requirements of this part.

* * * * *

(c) * * *

(7) Waive repayment of a debt under subpart G of this part;

* * * * *

■ 3. Add § 30.9 to read as follows:

§ 30.9 Severability.

If any provision of this subpart or its application to any person, act, or practice is held invalid, the remainder of the subpart or the application of its provisions to any other person, act, or practice will not be affected thereby.

§ 30.20 [Amended]

■ 4. Section 30.20 is amended by:

■ (a) In paragraph (a)(1)(ii), removing the words ''IRS tax refund'' and adding, in their place, the words ''Treasury Offset Program''.

■ (b) In paragraph (b)(2), adding the word ''or'' after the semicolon.

■ (c) In paragraph (b)(3)(ii), removing the semicolon and the word ''or'' and adding, in their place, a period.

■ (d) Removing paragraph (b)(4).

■ 5. Section 30.23 is amended by revising paragraph (b)(1) to read as follows:

§ 30.23 How must a debtor request an opportunity to inspect and copy records relating to a debt?

* * * * *

(b) * * *

(1) All information provided to the debtor in the notice under § 30.22 or § 30.33(b) that identifies the debtor, the debt, and the program under which the debt arose, together with any corrections of that identifying information; and

* * * * *

§ 30.25 [Amended]

■ 6. Section 30.25(c)(1)(ii)is amended by removing the citation ''(a)(1)'' and adding, in its place, the citation ''(a)''.

§ 30.27 [Amended]

■ 7. Section 30.27(c) is amended by removing the citation ''4 CFR 102.11'' and adding, in its place, the citation ''31 CFR 901.8''.

§ 30.29 [Amended]

■ 8. Section 30.29(a)(3) is amended by removing the citation ''4 CFR 102.3'' and adding, in its place, the citation ''31 CFR 901.3''.

§ 30.30 [Amended]

■ 9. Section 30.30(a)(3) is amended by removing the citation ''4 CFR 102.3'' and adding, in its place, the citation ''31 CFR 901.3''.

■ 10. Section 30.33 is amended by revising the section heading to read as follows:

§ 30.33 What procedures does the Secretary follow for Treasury Offset Program offsets?

* * * * *

■ 11. Add § 30.39 to read as follows:

§ 30.39 Severability.

If any provision of this subpart or its application to any person, act, or practice is held invalid, the remainder of the subpart or the application of its provisions to any other person, act, or practice will not be affected thereby.

■ 12. Section 30.62 is amended by revising paragraphs (a), (b)(1), and (d)(1).

The revisions read as follows:

§ 30.62 When does the Secretary forego interest, administrative costs, or penalties?

(a) For a debt of any amount based on a loan, the Secretary may refrain from collecting interest or charging administrative costs or penalties to the extent that compromise of these amounts is appropriate under the standards for compromise of a debt contained in 31 CFR part 902 or to the extent that waiver of repayment of these amounts is appropriate under § 30.80.

(b) * * *

(1) Compromise of these amounts is appropriate under the standards for compromise of a debt contained in 31 CFR part 902; or

* * * * *

(d) * * *

(1) The Secretary has accepted an installment plan under 31 CFR 901.8;

* * * * *

■ 13. Add § 30.69 to read as follows:

§ 30.69 Severability.

If any provision of this subpart or its application to any person, act, or practice is held invalid, the remainder of the subpart or the application of its provisions to any other person, act, or practice will not be affected thereby.

■ 14. Section 30.70 is amended by revising paragraphs (a)(1), (c)(1), (c)(2), and (e)(1) as follows:

§ 30.70 How does the Secretary exercise discretion to compromise a debt or to suspend or terminate collection of a debt?

(a)(1) The Secretary may use the standards in the FCCS, 31 CFR part 902, to determine whether compromise of a debt is appropriate if the debt arises under a program administered by the Department, unless compromise of the debt is subject to paragraph (b) of this section.

* * * * *

(c)(1) The Secretary may use the standards in the FCCS, 31 CFR part 903, to determine whether suspension or termination of collection action on a debt is appropriate.

(2) Except as provided in paragraph (e) of this section, the Secretary—

* * * * *

(e)(1) Subject to paragraph (e)(2) of this section, under the provisions of 31 CFR part 902 or 903, the Secretary may compromise a debt in any amount, or suspend or terminate collection of a debt in any amount, if the debt arises under the Federal Family Education Loan Program authorized under title IV, part B, of the HEA, the William D. Ford Federal Direct Loan Program authorized under title IV, part D of the HEA, the Perkins Loan Program authorized under title IV, part E, of the HEA, or the Health Education Assistance Loan Program authorized under sections 701–720 of the Public Health Service Act, 42 U.S.C. 292–292o.

■ 15. Add § 30.79 to read as follows:

§ 30.79 Severability.

If any provision of this subpart or its application to any person, act, or practice is held invalid, the remainder of the subpart or the application of its provisions to any other person, act, or practice will not be affected thereby.

■ 16. Add subpart G to read as follows:

Subpart G—Waiver of Federal Student Loan Debts

Sec.

30.80 Waiver of Federal student loan debts.
30.81 Waiver when the current balance exceeds the balance upon entering repayment for borrowers on an IDR plan.
30.82 Waiver when the current balance exceeds the balance upon entering repayment.
30.83 Waiver based on time since a loan first entered repayment.
30.84 Waiver when a loan is eligible for forgiveness based upon repayment plan.
30.85 Waiver when a loan is eligible for a targeted forgiveness opportunity.
30.86 Waiver based upon Secretarial actions.
30.87 Waiver following a closure prior to Secretarial actions.
30.88 Waiver for closed Gainful Employment programs with high debt-to-earnings rates or low median earnings.
30.89 Severability.

§ 30.80 Waiver of Federal student loan debts.

The Secretary may waive all or part of any debts owed to the Department arising under the Federal Family Education Loan Program authorized under title IV, part B, of the HEA, the William D. Ford Federal Direct Loan Program authorized under title IV, part D, of the HEA, the Federal Perkins Loan Program authorized under title IV, part E, of the HEA, and the Health Education Assistance Loan Program authorized by sections 701–720 of the Public Health Service Act, 42 U.S.C. 292–292o, under the conditions included in, but not limited to, §§ 30.81 through 30.88.

§ 30.81 Waiver when the current balance exceeds the balance upon entering repayment for borrowers on an IDR plan.

(a) Pursuant to the authority to waive debt that the Secretary is unable to collect in full under the standards prescribed in 31 U.S.C. 3711(d), and subject to paragraphs (b) and (c) of this section, the Secretary may waive one time the amount by which each of a borrower's loans has a total outstanding balance that exceeds—

(1) The original principal balance of that loan for loans disbursed before January 1, 2005;

(2) The balance of that loan on the day after the end of its grace period for loans disbursed on or after January 1, 2005;

(3) The balance of a Federal or Direct Parent and Graduate PLUS Loan the day after it is fully disbursed; or

(4) The amounts determined under paragraph (a)(1), (2), or (3) of this section, as applicable, for all loans repaid by a Federal Consolidation Loan or a Direct Consolidation Loan.

(b) A borrower is eligible for the waiver described in paragraph (a) of this section if—

(1) The borrower is enrolled in an IDR plan under §§ 682.215, 685.209, or 685.221 as of a date determined by the Secretary; and

(2) The borrower's adjusted gross income, or other calculation of income as shown on documentation of income acceptable to the Secretary, demonstrates that the borrower's annual income as calculated under § 685.209 is either—

(i) Less than or equal to $120,000 if the borrower files a Federal tax return as single or married filing separately;

(ii) Less than or equal to $180,00 if the borrower files a Federal tax return as a head of household; or

(iii) Less than or equal to $240,000 if the borrower is married and files a joint Federal tax return or is a qualifying surviving spouse.

§ 30.82 Waiver when the current balance exceeds the balance upon entering repayment.

(a) Subject to paragraph (b) of this section, the Secretary may waive one time the lesser of $20,000 or the amount by which each of a borrower's loans has a total outstanding balance that exceeds—

(1) The original principal balance of that loan for loans disbursed before January 1, 2005;

(2) The balance of that loan on the day after the end of its grace period for loans disbursed on or after January 1, 2005;

(3) The balance of a Federal or Direct Parent and Graduate PLUS Loan the day after it is fully disbursed; or

(4) The amounts determined under paragraphs (a)(1), (2), or (3) of this section, as applicable, for loans repaid by a Federal Consolidation Loan or a Direct Consolidation Loan.

(b) A borrower who has received a waiver under § 30.81 is not eligible for a waiver under paragraph (a) of this section.

§ 30.83 Waiver based on time since a loan first entered repayment.

(a) The Secretary may waive the outstanding balance of a loan for a borrower—

(1) Who is repaying only loans received for undergraduate study or a Direct Consolidation Loan that repaid only loans received for undergraduate study if the loan first entered repayment on or before July 1, 2005; or

(2) Who has loans other than loans described in paragraph (a)(1) of this section if the loan first entered repayment on or before July 1, 2000.

(b) For the purpose of this section, a loan enters repayment on—

(1) For a Federal Stafford Loan, a Direct Subsidized Loan, or a Direct Unsubsidized Loan, the day after the initial grace period ends;

(2) For a Federal Parent and Graduate PLUS Loan or a Direct Parent and Graduate PLUS Loan, the day the loan is fully disbursed;

(3) For a Federal Consolidation Loan or Direct Consolidation Loan made before July 1, 2023, the earliest day as determined under paragraphs (c)(1) or (2) of this section for loans that were repaid by that consolidation loan; or

(4) For a Direct Consolidation Loan made on or after July 1, 2023, the latest day as determined under paragraphs (c)(1) or (2) of this section for loans that were repaid by that consolidation loan.

§ 30.84 Waiver when a loan is eligible for forgiveness based upon repayment plan.

The Secretary may waive the entire outstanding balance of a loan if the Secretary determines that a borrower is not enrolled in, but otherwise meets the eligibility requirements for forgiveness under—

(a) An income-based repayment plan under § 682.215 or § 685.221;

(b) An income-contingent repayment plan under § 685.209; or

(c) An alternative repayment plan under § 685.208(l).

§ 30.85 Waiver when a loan is eligible for a targeted forgiveness opportunity.

(a) The Secretary may waive the entire outstanding balance of a loan if the Secretary determines that a borrower has not applied or not successfully applied for, but otherwise meets the eligibility requirements for, any loan discharge, cancellation, or forgiveness opportunity under part 682 or 685.

(b) If the conditions for waiver in paragraph (a) of this section are met but the loan has been repaid by a Federal Consolidation Loan or Direct Consolidation Loan that has an outstanding balance, the Secretary may waive the portion of the outstanding balance of the consolidation loan attributable to such loan.

§ 30.86 Waiver based upon Secretarial actions.

(a) Subject to paragraph (b) of this section, the Secretary may waive the entire outstanding balance of a loan associated with attending an institution or a program at an institution if the Secretary or other authorized Department official has issued a final decision that terminated the institution or program's participation in the title IV, HEA programs or denied the institution's request for recertification, or the Secretary or other authorized Department official has otherwise determined that the institution or the program in which the student was enrolled is no longer eligible for its students to receive assistance under the title IV, HEA programs and that decision, denial, or determination was due, in whole or in part, to any of the following circumstances:

(1) The program or institution has failed to meet an accountability standard based on student outcomes established under the HEA or its implementing regulations for determining eligibility for participation in the title IV, HEA programs.

(2) The program or institution has failed to deliver sufficient financial value to students, including in situations where the institution or program has engaged in substantial misrepresentations, substantial omissions, misconduct affecting student eligibility, or other similar activities;

this paragraph applies to circumstances when the institution or program has lost accreditation at least in part due to such activities.

(b) The waiver described in paragraph (a) of this section is limited to loans that were borrowed to attend that program or institution during the period that corresponds with the findings or outcomes data that forms the basis for the action described in paragraph (a) of this section, unless the Secretary determines that the use of a different period is appropriate.

(c) If the conditions for waiver in paragraph (a) of this section are met but the loan has been repaid by a Federal Consolidation Loan or Direct Consolidation Loan that has an outstanding balance, the Secretary may waive the portion of the outstanding balance of the consolidation loan attributable to such loan.

§ 30.87 Waiver following a closure prior to Secretarial actions.

(a) Subject to paragraph (b) of this section, the Secretary may waive the entire outstanding balance of a loan associated with attending a program or institution if the program or institution has closed and the Secretary or other authorized Department official has determined that—

(1) Based on the most recent reliable data for that program or institution, the program or institution has not satisfied, for at least one year, an accountability standard based on student outcomes established under the HEA or its implementing regulations for determining eligibility for participation in the title IV, HEA programs; or

(2) The program or institution—

(i) Failed to deliver sufficient financial value to students including in situations where the institution or program has engaged in substantial misrepresentations, substantial omissions, misconduct affecting student eligibility, or other similar activities; this paragraph applies to circumstances when the institution or program has lost accreditation at least in part due to such activities; and

(ii) Is the subject of a program review, investigation, or any other Department action that remains unresolved at the time of closure and that is based, in whole or in part, on the conduct described in paragraph (a)(2)(i) of this section.

(b) The waiver described in paragraph (a) of this section is limited to loans that were borrowed to attend that program or institution during the period that corresponds with the findings or outcomes data that forms the basis for the action described in paragraph (a) of this section, unless the Secretary determines that the use of a different period is appropriate.

(c) If the conditions for waiver in paragraph (a) of this section are met but the loan has been repaid by a Federal Consolidation Loan or Direct Consolidation Loan that has an outstanding balance, the Secretary may waive the portion of the outstanding balance of the consolidation loan attributable to such loan.

§ 30.88 Waiver for closed Gainful Employment programs with high debt-to-earnings rates or low median earnings.

(a) The Secretary may waive the outstanding balance of a loan received by a borrower associated with enrollment in a Gainful Employment (GE) program as described in 20 U.S.C. 1002(b)(1)(A)(i) and (c)(1)(A) if—

(1) The program or institution closed;

(2) The Secretary makes the determination that the program was not a program that prepares students to become a doctor of medicine or osteopathy or a doctor of dental science; and

(3) For the period in which the borrower received loans for enrollment in the program, the Secretary has reliable and available data demonstrating that, for students who received title IV, HEA assistance—

(i)(A) The median annual loan payment of graduates from the program is greater than 20 percent of the median annual earnings for graduates, minus 150 percent of the applicable Federal Poverty Guideline for the year being measured or the denominator of such calculation is zero or negative; and

(B) The median annual loan payment of graduates from the program is greater than eight percent of the median annual earnings for graduates of the program or the denominator of such calculation is zero; or

(ii) The median annual earnings of graduates from the program are equal to or less than the median annual earnings for working adults aged 25–34, who either worked during the year or indicated they were unemployed (*i.e.,* not employed but looking for and available to work) when interviewed, with only a high school diploma (or recognized equivalent)—

(A) In the State in which the institution is located; or

(B) Nationally, if fewer than 50 percent of the students in the program are from the State where the institution is located, or if the institution is a foreign institution.

(b) In determining whether a program meets the requirements under paragraph (a) of this section, the Secretary—

(1) Identifies a program using the program's six-digit CIP code as assigned by the institution or determined by the Secretary, in combination with the institution's six-digit Office of Postsecondary Education ID (OPEID) number and the program's credential level, unless the Secretary does not have reliable and available data at the six digit-level, in which case the Secretary will use the four-digit CIP code;

(2) Calculates the annual loan payment based upon the average of—

(i) The interest rate on Direct Unsubsidized Loans for undergraduate students for the three consecutive award years ending in the latest completion year for the students whose median debt payment is being calculated for graduates of undergraduate certificate programs, post-baccalaureate certificate programs, and associate degree programs; or

(ii) The interest rate on Direct Unsubsidized Loans for graduate students for the three consecutive award years ending in the latest completion year for the students whose median debt payment is being calculated for graduates of graduate certificate programs and master's degree programs; or

(iii) The interest rate on Direct Unsubsidized Loans for undergraduate students for the six consecutive award years ending in the latest completion year for the students whose median debt payment is being calculated for graduates of bachelor's degree programs; or

(iv) The interest rate on Direct Unsubsidized Loans for graduate students for the six consecutive award years ending in the latest completion year for the students whose median debt payment is being calculated for graduates of doctoral programs and first professional degree programs; and

(3) Calculates the median annual earnings of program graduates by considering earnings in the third year subsequent to graduation.

(c) The Secretary may also apply the waiver described in paragraph (a) of this section for loans received for enrollment in a GE program at an institution—

(1) If the institution has since closed;

(2) Prior to the closure, the institution received a majority of its title IV, HEA funds from programs that met the conditions described in paragraph (a)(3) of this section; and

(3) The Secretary did not have data to evaluate the program's performance as described in paragraph (a)(3) of this section.

(d) If the conditions for waiver in paragraph (a) or (c) of this section are met but the loan has been repaid by a

Federal Consolidation Loan or Direct Consolidation Loan that has an outstanding balance, the Secretary may waive the portion of the outstanding balance of the consolidation loan attributable to such loan.

§ 30.89 Severability.

If any provision of this subpart or its application to any person, act, or practice is held invalid, the remainder of the subpart or the application of its provisions to any other person, act, or practice will not be affected thereby.

PART 682—FEDERAL FAMILY EDUCATION LOAN (FFEL) PROGRAM

■ 17. The authority citation for part 682 continues to read as follows:

Authority: 20 U.S.C. 1071–1087–4, unless otherwise noted.

Section 682.410 also issued under 20 U.S.C. 1078, 1078–1, 1078–2, 1078–3, 1080a, 1082, 1087, 1091a, and 1099.

■ 20. Add § 682.403 to read as follows:

§ 682.403 Waiver of FFEL Program loan debt.

(a) *General.* (1) This section specifies the rules and procedures under which—

(i) The Secretary determines that a FFEL Program loan qualifies for a waiver of all or a portion of the outstanding balance and notifies the lender of any such determination;

(ii) The lender submits a waiver claim to the applicable guaranty agency;

(iii) The guaranty agency pays the claim, is reimbursed by the Secretary, and assigns the loan to the Secretary; and

(iv) The Secretary grants the waiver.

(2) For the purposes of this section, references to—

(i) *The lender* includes the guaranty agency if the guaranty agency is the holder of the loan at the time the Secretary determines that the loan qualifies for a waiver, except that the waiver claim filing requirements applicable to the lender do not apply to the guaranty agency; and

(ii) *The guaranty agency* means the guaranty agency that guarantees the loan.

(b) *Determination of qualification for a waiver by the Secretary.* The Secretary may waive the borrower's obligation to repay up to the entire outstanding balance on an FFEL Program loan if the loan qualifies for a waiver under one of the following conditions:

(1) *First entered repayment on or before July 1, 2000.*

(i) The Secretary may waive the outstanding balance of a loan if the loan first entered repayment on or before July 1, 2000.

(ii) For the purpose of this section, a loan enters repayment on—

(A) For a Federal Stafford Loan, the day after the initial grace period ends;

(B) For a Federal PLUS Loan, the day the loan is fully disbursed; or

(C) For a Federal Consolidation Loan, the earliest day as determined under paragraph (b) (1) (ii)(A) and (B) of this section for any loan that was repaid by that consolidation loan.

(2) *Closed school discharge.* The Secretary may waive the borrower's obligation to repay up to the entire outstanding balance of a loan where the Secretary determines that a borrower has not applied or not successfully applied for, but otherwise meets the eligibility requirements for, a closed school discharge on that loan under § 682.402(d).

(3) *Cohort default rate.* For loans received for attendance at an institution that lost its eligibility to participate in any title IV, HEA program because of its cohort default rate, as defined in 20 U.S.C. 1085(m), the Secretary may waive the outstanding balance of the loan, provided that the borrower was included in the cohort whose debt was used to calculate the cohort default rate or rates that were the basis for the loss of eligibility.

(c) *Notification.* If the Secretary determines that a loan qualifies for a waiver under paragraph (b) of this section, the Secretary provides notice to the lender that the lender must—

(1) Submit a waiver claim to the applicable guaranty agency; and

(2) Suspend collection activity, or maintain a suspension of collection activity, on the borrower's FFEL Program loan.

(d) *Claim procedures.* (1) The guaranty agency must establish and enforce standards and procedures for the timely filing by lenders of waiver claims.

(2) The lender must submit a claim for the full outstanding balance of the loan to the guaranty agency, within 75 days of the date the lender received the notification from the Secretary described in paragraph (c) of this section.

(3) The lender must provide the guaranty agency with the following documentation when filing a waiver claim:

(i) An original or a true and exact copy of the promissory note.

(ii) The notification described in paragraph (c) of this section.

(4) If the lender is not in possession of an original or true and exact copy of the promissory note, the lender may submit alternative documentation acceptable to the Secretary, such as documentation of a borrower's affirmation of the debt.

(5) The guaranty agency must review the waiver claim and determine whether the claim meets the requirements of paragraphs (d)(3) and (d)(4) of this section.

(6) If the guaranty agency determines the waiver claim meets the requirements of paragraph (d)(3) and (d)(4) of this section, the guaranty agency must pay the claim within 30 days of the date the claim was received by the guaranty agency.

(7) If the lender receives any payments on the loan from or on behalf of the borrower during the suspension of collection activity or after receiving a claim payment from the guaranty agency, the lender must promptly return the payments to the sender.

(8) The Secretary reimburses the guaranty agency for the full amount of a claim paid to the lender after the agency pays the claim to the lender.

(9) The guaranty agency must assign the loan to the Secretary within 75 days of—

(i) The date the guaranty agency pays the claim and receives the reimbursement payment; or

(ii) The date the guaranty agency receives the notification described in paragraph (c) of this section if the guaranty agency is the lender.

(10) After the guaranty agency assigns the loan, the Secretary may waive the borrower's obligation to repay up to the entire outstanding balance of the loan.

(11) After the Secretary grants the waiver, the Secretary notifies the borrower, the lender, and the guaranty agency that the borrower's obligation to repay the debt or a portion of the debt, has been waived.

(e) *Payments received during the suspension of collection activity or after the Secretary's payment of a waiver claim.*

(1) If the guaranty agency receives any payments from or on behalf of the borrower on a loan during the suspension of collection activity or after the loan has been assigned to the Secretary in accordance with paragraph (d) of this section, the guaranty agency must promptly return these payments to the sender. At the same time that the agency returns the payments, it must notify the borrower that there is no obligation to make payments on the loan after the Secretary has granted a waiver unless—

(i) The borrower received a partial waiver of the outstanding balance of the loan; or

(ii) The Secretary directs the borrower otherwise.

(2) If the guaranty agency has returned a payment to the borrower, or the borrower's representative, with the notice described in paragraph (e)(1) of this section, and the borrower (or representative) continues to send payments to the guaranty agency, the agency must remit all of those payments to the Secretary.

(3) If the Secretary receives any payments from or on behalf of the borrower on the loan after the Secretary waives the entire outstanding balance of a loan, the Secretary returns the payments to the sender.

(f) If the conditions for waiver in paragraph (b) of this section are met but the loan has been repaid by a Federal Consolidation Loan that has an outstanding balance, the Secretary may waive the portion of the outstanding balance of the consolidation loan attributable to such loan once the loan has been assigned to the Secretary.

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Part IV

Department of Housing and Urban Development

Notice of Regulatory Waiver Requests Granted for the Third Quarter of Calendar Year 2023; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6395–N–03]

Notice of Regulatory Waiver Requests Granted for the Third Quarter of Calendar Year 2023

AGENCY: Office of the General Counsel, HUD.

ACTION: Notice.

SUMMARY: Section 106 of the Department of Housing and Urban Development Reform Act of 1989 (the HUD Reform Act) requires HUD to publish quarterly **Federal Register** notices of all regulatory waivers that HUD has approved. Each notice covers the quarterly period since the previous **Federal Register** notice. The purpose of this notice is to comply with the requirements of section 106 of the HUD Reform Act. This notice contains a list of regulatory waivers granted by HUD during the period beginning on July 1, 2023 and ending on September 30, 2023.

FOR FURTHER INFORMATION CONTACT: For general information about this notice, contact Aaron Santa Anna, Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, 451 Seventh Street SW, Room 10282, Washington, DC 20410–0500, telephone (202) 708–5300 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities.

To learn more about how to make an accessible telephone call, please visit: *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.*

For information concerning a particular waiver that was granted and for which public notice is provided in this document, contact the person whose name and address follow the description of the waiver granted in the accompanying list of waivers that have been granted in the third quarter of calendar year 2023.

SUPPLEMENTARY INFORMATION: Section 106 of the HUD Reform Act added a new section 7(q) to the Department of Housing and Urban Development Act (42 U.S.C. 3535(q)), which provides that:

1. Any waiver of a regulation must be in writing and must specify the grounds for approving the waiver;

2. Authority to approve a waiver of a regulation may be delegated by the Secretary only to an individual of Assistant Secretary or equivalent rank, and the person to whom authority to waive is delegated must also have authority to issue the particular regulation to be waived;

3. Not less than quarterly, the Secretary must notify the public of all waivers of regulations that HUD has approved, by publishing a notice in the **Federal Register**. These notices (each covering the period since the most recent previous notification) shall:

a. Identify the project, activity, or undertaking involved;

b. Describe the nature of the provision waived and the designation of the provision;

c. Indicate the name and title of the person who granted the waiver request;

d. Describe briefly the grounds for approval of the request; and

e. State how additional information about a particular waiver may be obtained.

Section 106 of the HUD Reform Act also contains requirements applicable to waivers of HUD handbook provisions that are not relevant to the purpose of this notice.

This notice follows procedures provided in HUD's Statement of Policy on Waiver of Regulations and Directives issued on April 22, 1991 (56 FR 16337). In accordance with those procedures and with the requirements of section 106 of the HUD Reform Act, waivers of regulations are granted by the Assistant Secretary with jurisdiction over the regulations for which a waiver was requested. In those cases in which a General Deputy Assistant Secretary granted the waiver, the General Deputy Assistant Secretary was serving in the absence of the Assistant Secretary in accordance with the office's Order of Succession.

This notice covers waivers of regulations granted by HUD from July 1, 2023 through September 30, 2023. For ease of reference, the waivers granted by HUD are listed by HUD program office (for example, the Office of Community Planning and Development, the Office of Fair Housing and Equal Opportunity, the Office of Housing, and the Office of Public and Indian Housing, etc.). Within each program office grouping, the waivers are listed sequentially by the regulatory section of title 24 of the Code of Federal Regulations (CFR) that is being waived. For example, a waiver of a provision in 24 CFR part 58 would be listed before a waiver of a provision in 24 CFR part 570.

Where more than one regulatory provision is involved in the grant of a particular waiver request, the action is listed under the section number of the first regulatory requirement that appears in 24 CFR and that is being waived. For example, a waiver of both § 58.73 and § 58.74 would appear sequentially in the listing under § 58.73.

Waiver of regulations that involve the same initial regulatory citation are in time sequence beginning with the earliest-dated regulatory waiver.

Should HUD receive additional information about waivers granted during the period covered by this report (the third quarter of calendar year 2023) before the next report is published (the fourth quarter of calendar year 2023), HUD will include any additional waivers granted for the third quarter in the next report.

Accordingly, information about approved waiver requests pertaining to HUD regulations is provided in the Appendix that follows this notice.

Benjamin Klubes,

Principal Deputy General Counsel.

Appendix

Listing of Waivers of Regulatory Requirements Granted by Offices of the Department of Housing and Urban Development July 1, 2023 Through September 30, 2023

Note to Reader: More information about the granting of these waivers, including a copy of the waiver request and approval, may be obtained by contacting the person whose name is listed as the contact person directly after each set of regulatory waivers granted.

The regulatory waivers granted appear in the following order:

I. Regulatory Waivers Granted by the Office of Community Planning and Development

II. Regulatory Waivers Granted by the Office of Housing

III. Regulatory Waivers Granted by the Office of Public and Indian Housing

I. Regulatory Waivers Granted by the Office of Community Planning and Development

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

- *Regulation:* 24 CFR 93.400(d)(2). *Project/Activity:* The State of Rhode Island requested a waiver of 24 CFR 93.400(d)(2) to extend the expenditure deadline for its Fiscal Year 2017 grant funds which are currently committed to a 70-unit mixed-income rental development project, designated as activity #5867 in HUD's Integrated Disbursement and Information System (IDIS).

Nature of Requirement: The regulation at 24 CFR 93.400(d)(2) requires HUD to reduce or recapture any fiscal year grant funds in the State's HTF Treasury account that are not expended within 5 years after the date of HUD's execution of the HTF grant agreement.

Granted By: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: July 3, 2023.

Reason Waived: The Department determined that there is sufficient good cause

to grant a waiver of the requirement in 24 CFR 93.400(d)(2) to reduce or recapture the State's FY 2017 HTF funds committed to IDIS activity #5867 due to project delays caused by the increase in construction costs that were beyond the State's control. This waiver will extend the expenditure deadline for the State's FY 2017 HTF funds until January 24, 2024, which enable the State to retain HTF funds committed to the project and prevent the potential loss of affordable units if the project loses necessary funds for completion.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708–2684.

• *Regulation:* 24 CFR 92.252(d)(l) Utility Allowance Requirements.

Project/Activity: Contra Costa County, San Joaquin County, and the City of Palmdale, California requested waivers of 24 CFR 92.252(d)(1) to allow the use of the utility allowance established by the local public housing agency (PHA) for three HOME-assisted projects: Galindo Terrace Apartments (Contra Costa County, CA), Stone Pine Meadows Apartments (San Joaquin County, CA), and Juniper Grove Apartments (Palmdale, CA).

Nature of Requirement: The regulation at 24 CFR 92.252(d)(1) requires participating jurisdictions to establish maximum monthly allowances for utilities and services (excluding telephone) and update the allowances annually. However, participating jurisdictions are not permitted to use the utility allowance established by the local public housing authority for HOME-assisted rental projects for which HOME funds were committed on or after August 23, 2013.

Granted By: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: July 7, 2023.

Reason Waived: The HOME requirements for establishing utility allowances conflict with Project Based Voucher program requirements. It is not possible to use two different utility allowances to set the rent for a single unit and it is administratively burdensome to require a project owner to establish and implement different utility allowances for HOME-assisted units and non-HOME assisted units in a project.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708–2684.

• *Regulation:* 24 CFR 92.252(d)(l) Utility Allowance Requirements.

Project/Activity: The City of Fargo, North Dakota requested a waiver of 24 CFR 92.252(d)(1) to allow use of the utility allowance established by the local public housing agency (PHA) for Elliott Place Four, a HOME-assisted project.

Nature of Requirement: The regulation at 24 CFR 92.252(d)(1) requires participating jurisdictions to establish maximum monthly allowances for utilities and services (excluding telephone) and update the allowances annually. However, participating jurisdictions are not permitted to use the utility allowance established by the local public housing authority for HOME-assisted rental projects for which HOME funds were committed on or after August 23, 2013.

Granted By: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: July 18, 2023.

Reason Waived: The HOME requirements for establishing utility allowances conflict with Project Based Voucher program requirements. It is not possible to use two different utility allowances to set the rent for a single unit and it is administratively burdensome to require a project owner to establish and implement different utility allowances for HOME-assisted units and non-HOME assisted units in a project.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708–2684.

• *Regulation:* 24 CFR 92.203(a)(1) and (2).

Project/Activity: Any participating jurisdiction or grantee located in the declared-disaster areas for the severe storms and flooding in Vermont (DR–7420–VT).

Nature of Requirement: These sections of the HOME regulation require initial income determinations for HOME beneficiaries by examining source documents covering the most recent two months.

Granted By: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: July 27, 2023.

Reason Waived: Many families whose housing was destroyed or damaged by the disaster will not have any documentation of income and will not be able to qualify for HOME assistance if the requirement remains effective. This waiver permits the participating jurisdiction to use self-certification of income, as provided in § 92.203(a)(1)(ii), in lieu of source documentation to determine eligibility for HOME assistance of persons displaced by the disaster.

Applicability: These waivers are only available to participating jurisdictions within the declared-disaster areas or a State participating jurisdiction of the declared-disaster areas to assist those displaced by the disaster. This waiver applies only to families displaced by the disaster (as documented by FEMA registration) whose income documentation was destroyed or made inaccessible by the disaster and remains in effect for six months from July 27, 2023. The participating jurisdiction or, as appropriate, HOME project owner, is required to maintain: 1) a record of FEMA registration to demonstrate that a family was displaced by the disaster; and 2) a statement signed by appropriate family members certifying to the family's size and annual income and that the family's income documentation was destroyed or is inaccessible.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708–2684.

• *Regulation:* 24 CFR 92.209(e), (h)(1), and (i).

Project/Activity: Projects located in the declared-disaster areas for the severe storms and flooding in Vermont (DR–7420–VT).

Nature of Requirement: Section 92.209(e) requires that the term of a HOME TBRA contract made with a landlord begin on the first day of the lease. Section 92.209(h)(1) limits the subsidy that a participating jurisdiction may pay toward a TBRA recipient's rent to the difference between the participating jurisdiction's rent standard for the unit size and 30 percent of the family's monthly adjusted income. Section 92.209(i) requires that units occupied by TBRA recipients meet the housing quality standards established in 24 CFR 982.401.

Granted By: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: July 27, 2023.

Reason Waived: Waiving these provisions will provide the participating jurisdiction with greater flexibility to use tenant-based rental assistance as an emergency housing resource.

Applicability: All of these waivers are only available to a participating jurisdiction within the declared-disaster area or a State participating jurisdiction of the declared-disaster area providing TBRA to those displaced by the disaster, in accordance with the applicable conditions described below.

The requirement in 24 CFR 92.209(e) that the start date of a TBRA contract begin on the first day of the term of a tenant's lease is waived for TBRA contracts a participating jurisdiction executes for persons or families displaced by the disaster, as evidenced by the tenant's FEMA registration or other relevant documentation acceptable to the PJ, for a period of 24 months after July 27, 2023. The provision of 24 CFR 92.209(h)(1) imposing the maximum amount of TBRA assistance a participating jurisdiction may provide to a family under HOME TBRA is waived for TBRA recipients who are displaced by the disaster, as evidenced by the family's FEMA registration, for a period of 24 months after July 27, 2023. The other provisions of 24 CFR 92.209(h) are not waived. The waiver of the housing quality standards requirements at 24 CFR 92.209(i) applies to units leased by TBRA recipients who were displaced by the disaster, as evidenced by the recipient's FEMA registration, and are being assisted through a HOME TBRA program funded by the participating jurisdiction for a period of 24 months after July 27, 2023. Units must meet any applicable State and local health and safety codes and requirements. The lead safe housing requirements of 24 CFR part 35, subpart M, made applicable to units leased by recipients of HOME TBRA by the HOME regulation at 24 CFR 92.355, are not waived.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room

7160, Washington, DC 20410, telephone (202) 708–2684.

• *Regulation:* 24 CFR 92.222(b)(1).

Project/Activity: Any participating jurisdiction located in the declared-disaster areas for the severe storms and flooding in Vermont (DR–7420–VT).

Nature of Requirement: Section 220(a) of NAHA (42 U.S.C. 12750(a)) and 24 CFR 92.218 require all HOME participating jurisdictions to contribute throughout the fiscal year to housing that qualifies as affordable housing under the HOME program. The contributions must total no less than 25 percent of the HOME funds drawn from the participating jurisdiction's HOME Investment Trust Fund Treasury account. Section 220(d)(5) of NAHA (42 U.S.C. 12750(d)(5)) and § 92.222(b) also permit HUD to reduce this matching requirement for a participating jurisdiction located in a declared-disaster area for any funds drawn from a participating jurisdiction's HOME Investment Trust Fund by up to 100 percent during any part of a fiscal year impacted by the disaster. However, § 92.222(b)(1) imposes certain conditions in granting the reduction to the matching requirement which HUD has determined there is sufficient good cause to waive.

Granted By: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: July 27, 2023.

Reason Waived: Given the urgent housing needs created by the disaster and the substantial financial impact the participating jurisdiction will face in addressing those needs, the approval of a 100 percent match reduction for participating jurisdictions in the declared-disaster areas, rather than on an case-by-case basis, will relieve administrative and financial burden on affected participating jurisdictions by expediting the process for reduction and the need to identify and provide matching contributions to HOME projects.

Applicability: This match reduction applies to funds expended by a participating jurisdiction located in the declared-disaster areas from October 1, 2022, through September 30, 2024. The waiver also applies to State-funded HOME projects located in declared-disaster areas.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708–2684.

• *Regulation:* 24 CFR 92.251.

Project/Activity: Projects located in the declared-disaster areas for the severe storms and flooding in Vermont (DR–7420–VT).

Nature of Requirement: This provision requires that housing assisted with HOME funds meet property standards based on the activity undertaken, *i.e.,* acquisition of housing including through homebuyer assistance, and state and local standards and codes or model codes for rehabilitation and new construction.

Granted By: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: July 27, 2023.

Reason Waived: This waiver is required to enable the participating jurisdiction to meet the critical housing needs of families whose housing was damaged and families who were displaced by the disaster.

Applicability: This waiver applies only to housing units located in the declared-disaster areas which were damaged by the disaster and to which HOME funds are committed within two years of July 27, 2023. Units must meet State and local health and safety codes. The lead housing safety regulations established in 24 CFR part 35 are not waived. Also, accessibility requirements at 24 CFR 92.251(a)(2)(i) are not waived.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708–2684.

• *Regulation:* 24 CFR 93.151(c).

Project/Activity: Projects located in the declared-disaster areas for the severe storms and flooding in Vermont (DR–7420–VT).

Nature of Requirement: This section of the HTF regulation requires initial income determinations for HTF beneficiaries by examining source documents covering the most recent two months.

Granted By: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: July 27, 2023.

Reason Waived: Many families whose homes were destroyed or damaged by the disaster will not have any documentation of income and will not be able to qualify for HTF assistance if the requirement remains effective. This waiver permits the grantee to use self-certification of income, as provided in section 93.151(d)(2), for HTF assisted units in lieu of source documentation to determine initial eligibility of persons displaced by the disaster.

Applicability: This waiver is only available to the grantee of the declared-disaster area. This waiver applies only to families displaced by the disaster (as documented by FEMA registration or other documentation acceptable to the HTF grantee) whose income documentation was destroyed or made inaccessible by the disaster and remains in effect for six months from July 27, 2023. The grantee or, as appropriate, HTF project owner, is required to maintain: (1) a record of FEMA registration to demonstrate that a family was displaced by the disaster; and (2) a statement signed by appropriate family members certifying to the family's size and annual income and that the family's income documentation was destroyed or is inaccessible.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708–2684.

• *Regulation:* 24 CFR 92.203(a)(1) and (2).

Project/Activity: Any participating jurisdiction located in the declared-disaster areas for the wildfires in Hawaii (DR–4724–HI).

Nature of Requirement: These sections of the HOME regulation require initial income determinations for HOME beneficiaries by examining source documents covering the most recent two months.

Granted By: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: August 14, 2023.

Reason Waived: Many families whose housing was destroyed or damaged by the disaster will not have any documentation of income and will not be able to qualify for HOME assistance if the requirement remains effective. This waiver permits the participating jurisdiction to use self-certification of income, as provided in § 92.203(a)(1)(ii), in lieu of source documentation to determine eligibility for HOME assistance of persons displaced by the disaster.

Applicability: These waivers are only available to participating jurisdictions within the declared-disaster areas or a State participating jurisdiction of the declared-disaster areas to assist those displaced by the disaster. This waiver applies only to families displaced by the disaster (as documented by FEMA registration) whose income documentation was destroyed or made inaccessible by the disaster and remains in effect for six months from August 14, 2023. The participating jurisdiction or, as appropriate, HOME project owner, is required to maintain: (1) a record of FEMA registration to demonstrate that a family was displaced by the disaster; and (2) a statement signed by appropriate family members certifying to the family's size and annual income and that the family's income documentation was destroyed or is inaccessible.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708–2684.

• *Regulation:* 24 CFR 92.209(e), (h)(1), and (i).

Project/Activity: Projects located in the declared-disaster areas for the wildfires in Hawaii (DR–4724–HI).

Nature of Requirement: Section 92.209(e) requires that the term of a HOME TBRA contract made with a landlord begin on the first day of the lease. Section 92.209(h)(1) limits the subsidy that a participating jurisdiction may pay toward a TBRA recipient's rent to the difference between the participating jurisdiction's rent standard for the unit size and 30 percent of the family's monthly adjusted income. Section 92.209(i) requires that units occupied by TBRA recipients meet the housing quality standards established in 24 CFR 982.401.

Granted By: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: August 14, 2023.

Reason Waived: Waiving these provisions will provide the participating jurisdiction with greater flexibility to use tenant-based rental assistance as an emergency housing resource.

Applicability: All of these waivers are only available to a participating jurisdiction within the declared-disaster area or a State participating jurisdiction of the declared-disaster area providing TBRA to those displaced by the disaster, in accordance with the applicable conditions described below.

The requirement in 24 CFR 92.209(e) that the start date of a TBRA contract begin on the first day of the term of a tenant's lease is waived for TBRA contracts a participating jurisdiction executes for persons or families displaced by the disaster, as evidenced by the tenant's FEMA registration or other relevant documentation acceptable to the PJ, for a period of 24 months after August 14, 2023. The provision of 24 CFR 92.209(h)(1) imposing the maximum amount of TBRA assistance a participating jurisdiction may provide to a family under HOME TBRA is waived for TBRA recipients who are displaced by the disaster, as evidenced by the family's FEMA registration, for a period of 24 months after August 14, 2023. The other provisions of 24 CFR 92.209(h) are not waived.

The waiver of the housing quality standards requirements at 24 CFR 92.209(i) applies to units leased by TBRA recipients who were displaced by the disaster, as evidenced by the recipient's FEMA registration, and are being assisted through a HOME TBRA program funded by the participating jurisdiction for a period of 24 months after August 14, 2023. Units must meet any applicable State and local health and safety codes and requirements. The lead safe housing requirements of 24 CFR part 35, subpart M, made applicable to units leased by recipients of HOME TBRA by the HOME regulation at 24 CFR 92.355, are not waived.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708–2684.

• *Regulation:* 24 CFR 92.222(b)(1).

Project/Activity: HOME funds expended by the State participating jurisdiction for projects located in the declared-disaster areas for the wildfires in Hawaii (DR–4724–HI).

Nature of Requirement: Section 220(a) of NAHA (42 U.S.C. 12750(a)) and 24 CFR 92.218 require all HOME participating jurisdictions to contribute throughout the fiscal year to housing that qualifies as affordable housing under the HOME program. The contributions must total no less than 25 percent of the HOME funds drawn from the participating jurisdiction's HOME Investment Trust Fund Treasury account. Section 220(d)(5) of NAHA (42 U.S.C. 12750(d)(5)) and § 92.222(b) also permit HUD to reduce this matching requirement for a participating jurisdiction located in a declared-disaster area for any funds drawn from a participating jurisdiction's HOME Investment Trust Fund by up to 100 percent during any part of a fiscal year impacted by the disaster. However, § 92.222(b)(1) imposes certain conditions in granting the reduction to the matching requirement which HUD has determined there is sufficient good cause to waive.

Granted By: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: August 14, 2023.

Reason Waived: Given the urgent housing needs created by the disaster and the substantial financial impact the participating jurisdiction will face in addressing those needs, the approval of a 100 percent match reduction for all HOME funds expended by the State on projects in the declared-disaster areas, rather than on an case-by-case basis, will relieve administrative and financial burden on the affected participating jurisdiction by expediting the process for reduction and the need to identify and provide matching contributions to HOME projects.

Applicability: This match reduction applies to funds expended by the State participating jurisdiction for projects located in the declared-disaster areas from October 1, 2022, through September 30, 2024.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708–2684.

• *Regulation:* 24 CFR 92.251.

Project/Activity: Projects located in the declared-disaster areas for the wildfires in Hawaii (DR–4724–HI).

Nature of Requirement: This provision requires that housing assisted with HOME funds meet property standards based on the activity undertaken, *i.e.,* acquisition of housing including through homebuyer assistance, and state and local standards and codes or model codes for rehabilitation and new construction.

Granted By: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: August 14, 2023.

Reason Waived: This waiver is required to enable the participating jurisdiction to meet the critical housing needs of families whose housing was damaged and families who were displaced by the disaster.

Applicability: This waiver applies only to housing units located in the declared-disaster areas which were damaged by the disaster and to which HOME funds are committed within two years of August 14, 2023. Units must meet State and local health and safety codes. The lead housing safety regulations established in 24 CFR part 35 are not waived. Also, accessibility requirements at 24 CFR 92.251(a)(2)(i) are not waived.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708–2684.

• *Regulation:* 24 CFR 93.151(c).

Project/Activity: Projects located in the declared-disaster areas for the wildfires in Hawaii (DR–4724–HI).

Nature of Requirement: This section of the HTF regulation requires initial income determinations for HTF beneficiaries by examining source documents covering the most recent two months. Many families whose homes were destroyed or damaged by the disaster will not have any documentation of income and will not be able to qualify for HTF assistance if the requirement remains effective.

Granted By: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: August 14, 2023.

Reason Waived: This waiver permits the grantee to use self-certification of income, as provided in section 93.151(d)(2), for HTF assisted units in lieu of source documentation to determine initial eligibility of persons displaced by the disaster.

Applicability: This waiver is only available to the grantee of the declared-disaster area. This waiver applies only to families displaced by the disaster (as documented by FEMA registration or other documentation acceptable to the HTF grantee) whose income documentation was destroyed or made inaccessible by the disaster and remains in effect for six months from August 14, 2023. The grantee or, as appropriate, HTF project owner, is required to maintain: (1) a record of FEMA registration to demonstrate that a family was displaced by the disaster; and (2) a statement signed by appropriate family members certifying to the family's size and annual income and that the family's income documentation was destroyed or is inaccessible.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708–2684.

• *Regulation:* 24 CFR 92.203(a)(1) and (2).

Project/Activity: Any participating jurisdiction or grantee located in the declared-disaster area for Hurricane Idalia in Florida (DR–4734–FL).

Nature of Requirement: These sections of the HOME regulation require initial income determinations for HOME beneficiaries by examining source documents covering the most recent two months.

Granted By: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: September 18, 2023.

Reason Waived: This waiver permits the participating jurisdictions to use self-certification of income, as provided in § 92.203(a)(1)(ii), in lieu of source documentation to determine eligibility for HOME assistance of persons displaced by the disaster.

Applicability: Many families whose housing was destroyed or damaged by the disaster will not have any documentation of income and will not be able to qualify for HOME assistance if the requirement remains effective. These waivers are only available to participating jurisdictions within the declared-disaster areas or the State participating jurisdiction of the declared-disaster areas to assist those displaced by the disaster. This waiver applies only to families displaced by the disaster (as documented by FEMA registration) whose income documentation was destroyed or made

inaccessible by the disaster and remains in effect for six months from September 18, 2023. The participating jurisdiction or, as appropriate, HOME project owner, is required to maintain: (1) a record of FEMA registration to demonstrate that a family was displaced by the disaster; and (2) a statement signed by appropriate family members certifying to the family's size and annual income and that the family's income documentation was destroyed or is inaccessible.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708–2684.

• *Regulation:* 24 CFR 92.209(e), (h)(1), and (i).

Project/Activity: Projects located in the declared-disaster areas for Hurricane Idalia in Florida (DR–4734–FL).

Nature of Requirement: Section 92.209(e) requires that the term of a HOME TBRA contract made with a landlord begin on the first day of the lease. Section 92.209(h)(1) limits the subsidy that a participating jurisdiction may pay toward a TBRA recipient's rent to the difference between the participating jurisdiction's rent standard for the unit size and 30 percent of the family's monthly adjusted income. Section 92.209(i) requires that units occupied by TBRA recipients meet the housing quality standards established in 24 CFR 982.401.

Granted By: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: September 18, 2023.

Reason Waived: Waiving these provisions will provide the participating jurisdiction with greater flexibility to use tenant-based rental assistance as an emergency housing resource.

Applicability: All of these waivers are only available to a participating jurisdiction within the declared-disaster area or the State participating jurisdiction of the declared-disaster area providing TBRA to those displaced by the disaster, in accordance with the applicable conditions described below.

The requirement in 24 CFR 92.209(e) that the start date of a TBRA contract begin on the first day of the term of a tenant's lease is waived for TBRA contracts a participating jurisdiction executes for persons or families displaced by the disaster, as evidenced by the tenant's FEMA registration or other relevant documentation acceptable to the PJ, for a period of 24 months after September 18, 2023. The provision of 24 CFR 92.209(h)(1) imposing the maximum amount of TBRA assistance a participating jurisdiction may provide to a family under HOME TBRA is waived for TBRA recipients who are displaced by the disaster, as evidenced by the family's FEMA registration, for a period of 24 months after September 18, 2023. The other provisions of 24 CFR 92.209(h) are not waived.

The waiver of the housing quality standards requirements at 24 CFR 92.209(i) applies to units leased by TBRA recipients who were displaced by the disaster, as evidenced by the recipient's FEMA registration, and are being assisted through a HOME TBRA program funded by the participating jurisdiction for a period of 24 months after September 18, 2023. Units must meet any applicable State and local health and safety codes and requirements. The lead safe housing requirements of 24 CFR part 35, subpart M, made applicable to units leased by recipients of HOME TBRA by the HOME regulation at 24 CFR 92.355, are not waived.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708–2684.

• *Regulation:* 24 CFR 92.222(b)(1).

Project/Activity: Any participating jurisdiction located in the declared-disaster areas for Hurricane Idalia in Florida (DR–4734–FL).

Nature of Requirement: Section 220(a) of NAHA (42 U.S.C. 12750(a)) and 24 CFR 92.218 require all HOME participating jurisdictions to contribute throughout the fiscal year to housing that qualifies as affordable housing under the HOME program. The contributions must total no less than 25 percent of the HOME funds drawn from the participating jurisdiction's HOME Investment Trust Fund Treasury account. Section 220(d)(5) of NAHA (42 U.S.C. 12750(d)(5)) and § 92.222(b) also permit HUD to reduce this matching requirement for a participating jurisdiction located in a declared-disaster area for any funds drawn from a participating jurisdiction's HOME Investment Trust Fund by up to 100 percent during any part of a fiscal year impacted by the disaster. However, § 92.222(b)(1) imposes certain conditions in granting the reduction to the matching requirement which HUD has determined there is sufficient good cause to waive.

Granted By: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: September 18, 2023.

Reason Waived: Given the urgent housing needs created by the disaster and the substantial financial impact the participating jurisdiction will face in addressing those needs, the approval of a 100 percent match reduction for participating jurisdictions in the declared-disaster areas, rather than on an case-by-case basis, will relieve administrative and financial burden on affected participating jurisdictions by expediting the process for reduction and the need to identify and provide matching contributions to HOME projects.

Applicability: This match reduction applies to funds expended by a participating jurisdiction located in the declared-disaster areas from October 1, 2022, through September 30, 2024. The waiver also applies to State-funded HOME projects located in declared-disaster areas.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708–2684.

• *Regulation:* 24 CFR 92.251.

Project/Activity: Projects located in the declared-disaster areas for Hurricane Idalia in Florida (DR–4734–FL).

Nature of Requirement: This provision requires that housing assisted with HOME funds meet property standards based on the activity undertaken, *i.e.,* acquisition of housing including through homebuyer assistance, and state and local standards and codes or model codes for rehabilitation and new construction. Property standard requirements are waived for repair of properties damaged by the disaster.

Granted By: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: September 18, 2023.

Reason Waived: This waiver is required to enable the participating jurisdiction to meet the critical housing needs of families whose housing was damaged and families who were displaced by the disaster.

Applicability: This waiver applies only to housing units located in the declared-disaster areas which were damaged by the disaster and to which HOME funds are committed within two years of September 18, 2023. Units must meet State and local health and safety codes. The lead housing safety regulations established in 24 CFR part 35 are not waived. Also, accessibility requirements at 24 CFR 92.251(a)(2)(i) are not waived.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708–2684.

• *Regulation:* 24 CFR 93.151(c).

Project/Activity: Projects located in the declared-disaster areas for Hurricane Idalia in Florida (DR–4734–FL).

Nature of Requirement: This section of the HTF regulation requires initial income determinations for HTF beneficiaries by examining source documents covering the most recent two months. Many families whose homes were destroyed or damaged by the disaster will not have any documentation of income and will not be able to qualify for HTF assistance if the requirement remains effective.

Granted By: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: September 18, 2023.

Reason Waived: This waiver permits the grantee to use self-certification of income, as provided in section 93.151(d)(2), for HTF assisted units in lieu of source documentation to determine initial eligibility of persons displaced by the disaster.

Applicability: This waiver is only available to the grantee of the declared-disaster area. This waiver applies only to families displaced by the disaster (as documented by FEMA registration or other documentation acceptable to the HTF grantee) whose income documentation was destroyed or made inaccessible by the disaster and remains in effect for six months from September 18, 2023. The grantee or, as appropriate, HTF project owner, is required to maintain: (1) a record of FEMA registration to demonstrate

that a family was displaced by the disaster; and (2) a statement signed by appropriate family members certifying to the family's size and annual income and that the family's income documentation was destroyed or is inaccessible.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708–2684.

• *Regulation:* 24 CFR 91.105(c)(2) and (k), 24 CFR 91.115(c)(2) and (i), and 24 CFR 91.401

Project/Activity: The State of Vermont and any HUD Community Planning and Development (CPD) grantee located in the counties included in the declared-disaster area (see DR–4720–VT) seeking to expedite action in response to severe storms and flooding, upon notification to the Community Planning and Development Director in its respective HUD Field Office. This authority is in effect for grantees in the areas covered by the major disaster declaration under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), DR–4720–VT, dated July 14, 2023, as may be amended (the ''Vermont declared-disaster areas'') and is limited to facilitating preparation of substantial amendments to FY 2023 and prior year plans.

Nature of Requirement: The regulations at 24 CFR 91.105(c)(2) and (k); 24 CFR 91.115(c)(2) and (i); and 24 CFR 91.401 require a 30-day public comment period in the development of a consolidated plan and prior to the implementation of a substantial amendment.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: July 27, 2023.

Reason Waived: Several CPD grantees were affected by severe storms and flooding that hit Vermont and received a major disaster declaration on July 14, 2023. As a result of substantial property loss and destruction, many individuals and families residing in the Vermont declared-disaster areas were displaced from their homes, including beneficiaries of various CPD programs, and families eligible to receive CPD program assistance. The waiver granted will allow grantees to expedite recovery efforts for low- and moderate-income residents affected by the property loss and destruction resulting from this event.

Contact: Robert C. Peterson, Director, State and Small Cities Division, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7282, Washington, DC 20410, telephone (202) 402–4211.

• *Regulation:* 24 CFR 91.105(c)(2) and (k); 24 CFR 91.115(c)(2) and (i).

Project/Activity: The State of Vermont and any HUD Community Planning and Development (CPD) grantee located in the counties included in the Vermont declared-disaster areas (see DR–4720–VT) seeking to expedite action in response to severe storms and flooding, upon notification to the Community Planning and Development Director in its respective HUD Field Office. This authority is in effect for grantees within the Vermont declared-disaster areas and is limited to facilitating preparation of substantial amendments to FY 2023 and prior year plans.

Nature of Requirement: The regulations at 24 CFR 91.105(c)(2) and (k) and 24 CFR 91.115(c)(2) and (i) require the grantee to follow its citizen participation plan to provide citizens with reasonable notice and opportunity to comment. The citizen participation plan must state how reasonable notice and opportunity to comment will be given.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: July 27, 2023.

Reason Waived: As stated above, several CPD grantees were affected by severe storms and flooding that hit Vermont and received a major disaster declaration on July 14, 2023. As a result of substantial property loss and destruction, many individuals and families residing in the Vermont declared-disaster areas were displaced from their homes, including beneficiaries of various CPD programs, and families eligible to receive CPD program assistance. The waiver granted will allow grantees to determine what constitutes reasonable notice and opportunity to comment given their circumstances and provide that level of notice and opportunity to comment when amending prior year plans in response to the disaster.

Contact: Robert C. Peterson, Director, State and Small Cities Division, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7282, Washington, DC 20410, telephone (202) 402–4211.

• *Regulation:* 24 CFR 570.207(b)(4).

Project/Activity: All CDBG grantees located within and outside declared disaster areas assisting persons and families who have registered with FEMA in connection with Vermont severe storms and flooding.

Nature of Requirement: The CDBG regulations at 24 CFR 570.207(b)(4) prohibit income payments, but permit emergency grant payments for three months. ''Income payments'' means a series of subsistence-type grant payments made to an individual or family for items such as food, clothing, housing (rent or mortgage), or utilities. Emergency grant payments made over a period of up to three consecutive months to the providers of such items and services on behalf of an individual or family are eligible public services.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: July 27, 2023.

Reason Waived: HUD waives the provisions of 24 CFR 570.207(b)(4) to permit emergency grant payments for items such as food, clothing, housing (rent or mortgage), or utilities for up to six consecutive months. While this waiver allows emergency grant payments to be made for up to six consecutive months, the payments must still be made to service providers as opposed to the affected individuals or families. Many individuals and families have been forced to abandon their homes due to the damage associated with severe storms and flooding. The waiver will allow CDBG grantees, including grantees providing assistance to evacuees outside the Vermont declared-disaster areas, to pay for the basic daily needs of individuals and families affected by the severe storms and flooding on an interim basis. This authority is in effect through the end of the grantee's 2024 program year. This waiver aligns with waivers currently in effect for CDBG coronavirus (CDBG–CV) grants. The six-month periods allowed by waiver for CDBG and CDBG–CV shall not be used consecutively for the same beneficiary.

Contact: Robert C. Peterson, Director, State and Small Cities Division, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7282, Washington, DC 20410, telephone (202) 402–4211.

• *Regulation:* 24 CFR 91.105(c)(2) and (k), 24 CFR 91.115(c)(2) and (i).

Project/Activity: The State of Hawaii and any HUD Community Planning and Development (CPD) grantee located in the counties included in the declared-disaster area (see DR–4724–HI) seeking to expedite action in response to wildfires, upon notification to the Community Planning and Development Director in its respective HUD Field Office. This authority is in effect for grantees in the areas covered by the major disaster declaration under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), DR–4724–HI, dated August 10, 2023, as may be amended (the ''Hawaii declared-disaster areas'') and is limited to facilitating preparation of substantial amendments to FY 2023 and prior year plans.

Nature of Requirement: The regulations at 24 CFR 91.105(c)(2) and (k) and 24 CFR 91.115(c)(2) and (i) require a 30-day public comment period in the development of a consolidated plan and prior to the implementation of a substantial amendment.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: August 14, 2023.

Reason Waived: Several CPD grantees were affected by wildfires that hit Hawaii and received a disaster declaration on August 10, 2023. As a result of substantial property loss and destruction, many individuals and families residing in the Hawaii declared-disaster areas were displaced from their homes, including beneficiaries of various CPD programs, and families eligible to receive CPD program assistance. The waiver granted will allow grantees to expedite recovery efforts for low- and moderate-income residents affected by the property loss and destruction resulting from this event.

Contact: Robert C. Peterson, Director, State and Small Cities Division, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7282, Washington, DC 20410, telephone (202) 402–4211.

• *Regulation:* 24 CFR 91.105(c)(2) and (k); 24 CFR 91.115(c)(2) and (i).

Project/Activity: The State of Hawaii and any HUD Community Planning and Development (CPD) grantee located in the counties included in the Hawaii declared-disaster areas (see DR–4724–HI) seeking to expedite action in response to wildfires, upon notification to the Community Planning and Development Director in its respective HUD Field Office. This authority is in effect for grantees within the Hawaii declared-disaster areas and is limited to facilitating preparation of substantial amendments to FY 2023 and prior year plans.

Nature of Requirement: The regulations at 24 CFR 91.105(c)(2) and (k) and 24 CFR 91.115(c)(2) and (i) require the grantee to follow its citizen participation plan to provide citizens with reasonable notice and opportunity to comment. The citizen participation plan must state how reasonable notice and opportunity to comment will be given.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: August 14, 2023.

Reason Waived: As stated above, several CPD grantees were affected by wildfires that hit Hawaii and received a major disaster declaration on August 10, 2023. As a result of substantial property loss and destruction, many individuals and families residing in the Hawaii declared-disaster areas were displaced from their homes, including beneficiaries of various CPD programs, and families eligible to receive CPD program assistance. The waiver granted will allow grantees to determine what constitutes reasonable notice and opportunity to comment given their circumstances and provide that level of notice and opportunity to comment when amending prior year plans in response to the disaster.

Contact: Robert C. Peterson, Director, State and Small Cities Division, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7282, Washington, DC 20410, telephone (202) 402–4211.

• *Regulation:* 24 CFR 570.207(b)(4).

Project/Activity: All CDBG grantees located within and outside declared disaster areas assisting persons and families who have registered with FEMA in connection with Hawaii wildfires.

Nature of Requirement: The CDBG regulations at 24 CFR 570.207(b)(4) prohibit income payments, but permit emergency grant payments for three months. ''Income payments'' means a series of subsistence-type grant payments made to an individual or family for items such as food, clothing, housing (rent or mortgage), or utilities. Emergency grant payments made over a period of up to three consecutive months to the providers of such items and services on behalf of an individual or family are eligible public services.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: August 14, 2023.

Reason Waived: HUD waives the provisions of 24 CFR 570.207(b)(4) to permit emergency grant payments for items such as food, clothing, housing (rent or mortgage), or utilities for up to six consecutive months. While this waiver allows emergency grant payments to be made for up to six consecutive months, the payments must still be made to service providers as opposed to the affected individuals or families. Many individuals and families have been forced to abandon their homes due to the damage associated with wildfires. The waiver will allow CDBG grantees, including grantees providing assistance to evacuees outside the Hawaii declared-disaster areas, to pay for the basic daily needs of individuals and families affected by the wildfires on an interim basis. This authority is in effect through the end of the grantee's 2024 program year. This waiver aligns with waivers currently in effect for CDBG coronavirus (CDBG–CV) grants. The six-month periods allowed by waiver for CDBG and CDBG–CV shall not be used consecutively for the same beneficiary.

Contact: Robert C. Peterson, Director, State and Small Cities Division, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7282, Washington, DC 20410, telephone (202) 402–4211.

• *Regulation:* 24 CFR 91.105(c)(2) and (k), 24 CFR 91.115(c)(2) and (i).

Project/Activity: The State of Florida and any HUD Community Planning and Development (CPD) grantee located in the counties included in the declared-disaster area seeking to expedite action in response to Hurricane Idalia, upon notification to the Community Planning and Development Director in its respective HUD Field Office. This authority is in effect for grantees in the areas covered by the major disaster declaration under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), DR–4734–FL, dated August 31, 2023, as may be amended (the ''Florida declared-disaster areas'') and is limited to facilitating preparation of substantial amendments to FY 2023 and prior year plans.

Nature of Requirement: The regulations at 24 CFR 91.105(c)(2) and (k) and 24 CFR 91.115(c)(2) and (i) require a 30-day public comment period in the development of a consolidated plan and prior to the implementation of a substantial amendment.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: September 18, 2023.

Reason Waived: Several CPD grantees were affected Hurricane Idalia and received a major disaster declaration on August 31, 2023. As a result of substantial property loss and destruction, many individuals and families residing in the Florida declared-disaster areas were displaced from their homes, including beneficiaries of various CPD programs, and families eligible to receive CPD program assistance. The waiver granted will allow grantees to expedite recovery efforts for low- and moderate-income residents affected by the property loss and destruction resulting from this event.

Contact: Robert C. Peterson, Director, State and Small Cities Division, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7282, Washington, DC 20410, telephone (202) 402–4211.

• *Regulation:* 24 CFR 91.105(c)(2) and (k); 24 CFR 91.115(c)(2) and (i).

Project/Activity: The State of Florida and any HUD Community Planning and Development (CPD) grantee located in the counties included in the Florida declared-disaster areas (see DR–4734–FL) seeking to expedite action in response to Hurricane Idalia, upon notification to the Community Planning and Development Director in its respective HUD Field Office. This authority is in effect for grantees within the Florida declared-disaster areas and is limited to facilitating preparation of substantial amendments to FY 2023 and prior year plans.

Nature of Requirement: The regulations at 24 CFR 91.105(c)(2) and (k) and 24 CFR 91.115(c)(2) and (i) require the grantee to follow its citizen participation plan to provide citizens with reasonable notice and opportunity to comment. The citizen participation plan must state how reasonable notice and opportunity to comment will be given.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: September 18, 2023.

Reason Waived: As stated above, several CPD grantees were affected by Hurricane Idalia that received a major disaster declaration on August 31, 2023. As a result of substantial property loss and destruction, many individuals and families residing in the Florida declared-disaster areas were displaced from their homes, including beneficiaries of various CPD programs, and families eligible to receive CPD program assistance. The waiver granted will allow grantees to determine what constitutes reasonable notice and opportunity to comment given their circumstances and provide that level of notice and opportunity to comment when amending prior year plans in response to the disaster.

Contact: Robert C. Peterson, Director, State and Small Cities Division, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7282, Washington, DC 20410, telephone (202) 402–4211.

• *Regulation:* 24 CFR 570.207(b)(4).

Project/Activity: All CDBG grantees located within and outside declared disaster areas assisting persons and families who have registered with FEMA in connection with Hurricane Idalia.

Nature of Requirement: The CDBG regulations at 24 CFR 570.207(b)(4) prohibit income payments, but permit emergency grant payments for three months. ''Income payments'' means a series of subsistence-type grant payments made to an individual or family for items such as food, clothing, housing (rent or mortgage), or utilities. Emergency grant payments made over a period of up to three consecutive months to the providers of such items and services on behalf of an individual or family are eligible public services.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: September 18, 2023.

Reason Waived: HUD waives the provisions of 24 CFR 570.207(b)(4) to permit emergency grant payments for items such as food, clothing, housing (rent or mortgage), or utilities for up to six consecutive months. While this waiver allows emergency grant payments to be made for up to six consecutive months, the payments must still be made to service providers as opposed to the affected individuals or families. Many individuals and families have been forced to abandon their homes due to the damage associated with Hurricane Idalia. The waiver will allow CDBG grantees, including grantees providing assistance to evacuees outside the Florida declared-disaster areas, to pay for the basic daily needs of individuals and families affected by Hurricane Idalia on an interim basis. This authority is in effect through the end of the grantee's 2024 program year. This waiver aligns with waivers currently in effect for CDBG coronavirus (CDBG–CV) grants. The six-month periods allowed by waiver for CDBG and CDBG–CV shall not be used consecutively for the same beneficiary.

Contact: Robert C. Peterson, Director, State and Small Cities Division, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7282, Washington, DC 20410, telephone (202) 402–4211.

Mega-Waiver for Vermont Severe Storms and Flooding—Housing Opportunities for Persons Withs AIDS (HOPWA) Program

On July 27, 2023, HUD issued an updated memorandum offering waivers of certain statutory and regulatory requirements associated with several Community Planning and Development (CPD) grant programs to address damage and facilitate recovery from Vermont severe storms and flooding in areas covered by a major disaster declaration under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), DR–4720–VT, dated July 14, 2023, as may be amended (the ''declared-disaster areas'').

• *Regulation:* 24 CFR 574.310(b)(2), Habitability Standards.

Project/Activity: The habitability requirements in 24 CFR 574.310(b)(2) are waived for units in the declared-disaster areas that are or will be occupied by HOPWA-eligible households, provided that the units are free of life-threatening conditions as defined in Notice PIH 2017–20 (HA). Grantees must ensure that these units meet HOPWA habitability standards within 60 days of the date of July 27, 2023.

Nature of Requirement: Section 574.310(b)(2) of the HOPWA regulations provides minimum habitability standards that apply to all housing for which HOPWA funds are used for acquisition, rehabilitation, conversion, lease, or repair; new construction of single room occupancy dwellings and community residences; project or tenant-based rental assistance; or operating costs under 24 CFR 574.300(b)(3), (4), (5), or (8).

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: July 27, 2023.

Reason Waived: This waiver is required to enable grantees and project sponsors to expeditiously meet the critical housing needs of the many eligible families in the declared disaster areas.

Contact: Lisa Steinhauer, Office of HIV/AIDS Housing, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7248, Washington, DC 20410, telephone (215) 861–7651, *lisa.a.steinhauer@hud.gov.*

• *Regulation:* 24 CFR 574.320(a)(1), Maximum Subsidy.

Project/Activity: Provided that the maximum subsidy is otherwise calculated as provided by § 574.320(a)(1), the requirement to use the rent standard as provided by § 574.320(a)(1) is waived. This waiver applies to the calculation of rental assistance for any rent amount that takes effect during the two-year period beginning on July 27, 2023, for any individual or family who is renting or executes a lease for a unit in the declared-disaster areas. This waiver would apply for twelve months from the date of the execution of the lease. Grantees and project sponsors must still ensure the reasonableness of rent charged for units in the declared-disaster areas in accordance with § 574.320(a)(3).

Nature of Requirement: The amount of grant funds used to pay monthly assistance for an eligible person may not exceed the difference between: (i) The lower of the rent standard or reasonable rent for the unit; and (ii) The resident's rent payment calculated under § 574.310(d).

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: July 27, 2023.

Reason Waived: Permitting the maximum rental assistance subsidy to be calculated under 24 CFR 574.320(a)(1) without regard to the rent standard would enable HOPWA grantees to expedite efforts to meet the critical housing needs of low-income people living with HIV and their families in the declared-disaster areas. Under the programmatic requirements at 24 CFR 574.320(a)(2), the rent standard shall be no more than the published section 8 fair market rent (FMR) or the HUD-approved community-wide exception for the unit size. In addition, on a unit-by-unit basis, the grantee may increase that amount by up to 10 percent for up to 20 percent of the units assisted. Notice CPD–22–10 Clarification of Rent Standard Requirement for the Housing Opportunities for Persons With AIDS (HOPWA) Program provides additional clarity and flexibility on how HOPWA grantees can administer the rent standard in accordance with 24 CFR 574.320(a)(2) and the Regulatory and Administrative Requirement Waivers and Flexibilities Available to HUD Public Housing and Section 8 During CY 2022 and CY 2023 to Public 16 Housing Agencies To Assist With Recovery and Relief Efforts on Behalf of Families Affected by Presidentially Declared Disasters, 87 FR 469 (Section 8 Disaster Notice) provides additional rent standard flexibility in presidentially declared disaster areas. Due to the extensive damage to housing units in the declared disaster area and the need to ensure safe and decent units are immediately available to eligible households to prevent homelessness and protect the health of the people with HIV served under the program, HUD has determined that it is not practicable for grantees to be held to the rent standards in 24 CFR 574.320(a)(2) even with the additional flexibilities under Notice CPD–22–10 and the Section 8 Disaster Notice. Waiving the requirement to use the rent standard in the calculation of the maximum monthly rental assistance amount under § 574.320(a)(1), while still requiring that the unit be rent reasonable in accordance with § 574.320(a)(3), will make more units immediately available to HOPWA eligible individuals and families in need of permanent housing in the declared-disaster areas and will help to quickly stabilize their housing and health.

Contact: Lisa Steinhauer, Office of HIV/AIDS Housing, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7248, Washington, DC 20410, telephone (215) 861–7651, *lisa.a.steinhauer@hud.gov.*

• *Regulation:* 24 CFR 574.530, Recordkeeping.

Project/Activity: The recordkeeping requirement at 24 CFR 574.530 is waived to the extent necessary to allow HOPWA grantees, located within and outside of the declared disaster areas, to assist displaced persons and families, provided that the grantees (1) require written certification of HIV status and income of such individuals and families seeking assistance and (2) obtain source documentation of HIV status and income eligibility within six months of July 27, 2023.

Nature of Requirement: Each grantee must maintain records to document compliance with HOPWA requirements, which includes determining the eligibility of a family to receive HOPWA assistance.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: July 27, 2023.

Reason Waived: This waiver will permit HOPWA grantees and project sponsors, located within and outside of the declared-disaster areas, to rely upon a family member's self-certification of income and HIV status in lieu of source documentation to determine eligibility for HOPWA assistance for individuals and families displaced by the disaster. Many individuals and families displaced by the disaster whose homes have been destroyed or damaged will not have immediate access to documentation of income or medical records and, without this waiver, will be unable to document their eligibility for HOPWA assistance.

Contact: Lisa Steinhauer, Office of HIV/AIDS Housing, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7248, Washington, DC 20410, telephone (215) 861–7651, *lisa.a.steinhauer@hud.gov.*

Mega-Waiver for Hawaii Wildfires—Housing Opportunities for Persons Withs AIDS (HOPWA) Program

On August 14, 2023, HUD issued a memorandum offering waivers of certain statutory and regulatory requirements associated with several Community Planning and Development (CPD) grant programs to address damage and facilitate recovery from Hawaii wildfires in areas covered by a major disaster declaration under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), DR–4724–HI, dated August 10, 2023, as may be amended (the ''declared-disaster areas'').

• *Regulation:* 24 CFR 574.310(b)(2), Habitability Standards.

Project/Activity: The habitability requirements in 24 CFR 574.310(b)(2) are waived for units in the declared-disaster areas that are or will be occupied by HOPWA-eligible households, provided that the units are free of life-threatening conditions as defined in Notice PIH 2017–20 (HA). Grantees must ensure that these units meet HOPWA habitability standards within 60 days of the date of August 14, 2023.

Nature of Requirement: Section 574.310(b)(2) of the HOPWA regulations provides minimum habitability standards that apply to all housing for which HOPWA funds are used for acquisition, rehabilitation, conversion, lease, or repair; new construction of single room occupancy dwellings and community residences; project or tenant-based rental assistance; or operating costs under 24 CFR 574.300(b)(3), (4), (5), or (8).

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: August 14, 2023.

Reason Waived: This waiver is required to enable grantees and project sponsors to expeditiously meet the critical housing needs of the many eligible families in the declared disaster areas.

Contact: Lisa Steinhauer, Office of HIV/AIDS Housing, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7248, Washington, DC 20410, telephone (215) 861–7651, *lisa.a.steinhauer@hud.gov.*

• *Regulation:* 24 CFR 574.320(a)(1), Maximum Subsidy.

Project/Activity: Provided that the maximum subsidy is otherwise calculated as provided by § 574.320(a)(1), the requirement to use the rent standard as provided by § 574.320(a)(1) is waived. This waiver applies to the calculation of rental assistance for any rent amount that takes effect during the two-year period beginning on August 14, 2023, for any individual or family who is renting or executes a lease for a unit in the declared-disaster areas. This waiver would apply for twelve months from the date of the execution of the lease. Grantees and project sponsors must still ensure the reasonableness of rent charged for units in the declared-disaster areas in accordance with § 574.320(a)(3).

Nature of Requirement: The amount of grant funds used to pay monthly assistance for an eligible person may not exceed the difference between: (i) The lower of the rent standard or reasonable rent for the unit; and (ii) The resident's rent payment calculated under § 574.310(d).

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: August 14, 2023.

Reason Waived: Permitting the maximum rental assistance subsidy to be calculated under 24 CFR 574.320(a)(1) without regard to the rent standard would enable HOPWA grantees to expedite efforts to meet the critical housing needs of low-income people living with HIV and their families in the declared-disaster areas. Under the programmatic requirements at 24 CFR 574.320(a)(2), the rent standard shall be no more than the published section 8 fair market rent (FMR) or the HUD-approved community-wide exception for the unit size. In addition, on a unit-by-unit basis, the grantee may increase that amount by up to 10 percent for up to 20 percent of the units assisted. Notice CPD–22–10 Clarification of Rent Standard Requirement for the Housing Opportunities for Persons With AIDS (HOPWA) Program provides additional clarity and flexibility on how HOPWA grantees can administer the rent standard in accordance with 24 CFR 574.320(a)(2) and the Regulatory and Administrative Requirement Waivers and Flexibilities Available to HUD Public Housing and Section 8 During CY 2022 and CY 2023 to Public 16 Housing Agencies To Assist With Recovery and Relief Efforts on Behalf of Families Affected by Presidentially Declared Disasters, 87 FR 469 (Section 8 Disaster Notice) provides additional rent standard flexibility in presidentially declared disaster areas. Due to the extensive damage to housing units in the declared disaster area and the need to ensure safe and decent units are immediately available to eligible households to prevent homelessness and protect the health of the people with HIV served under the program, HUD has determined that it is not practicable for grantees to be held to the rent standards in 24 CFR 574.320(a)(2) even with the additional flexibilities under Notice CPD–22–10 and the Section 8 Disaster Notice. Waiving the requirement to use the rent standard in the calculation of the maximum monthly rental assistance amount under § 574.320(a)(1), while still requiring that the unit be rent reasonable in accordance with § 574.320(a)(3), will make more units immediately available to HOPWA eligible individuals and families in need of permanent housing in the declared-disaster areas and will help to quickly stabilize their housing and health.

Contact: Lisa Steinhauer, Office of HIV/AIDS Housing, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7248, Washington, DC 20410, telephone (215) 861–7651, *lisa.a.steinhauer@hud.gov.*

• *Regulation:* 24 CFR 574.530, Recordkeeping.

Project/Activity: The recordkeeping requirement at 24 CFR 574.530 is waived to the extent necessary to allow HOPWA grantees, located within and outside of the declared disaster areas, to assist displaced persons and families, provided that the grantees (1) require written certification of HIV status and income of such individuals and families seeking assistance and (2) obtain source documentation of HIV status and income eligibility within six months of August 14, 2023.

Nature of Requirement: Each grantee must maintain records to document compliance with HOPWA requirements, which includes determining the eligibility of a family to receive HOPWA assistance.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: August 14, 2023.

Reason Waived: This waiver will permit HOPWA grantees and project sponsors, located within and outside of the declared-disaster areas, to rely upon a family member's self-certification of income and HIV status in lieu of source documentation to determine eligibility for HOPWA assistance for individuals and families displaced by the disaster. Many individuals and families displaced by the disaster whose homes have been destroyed or damaged will not have immediate access to documentation of income or medical records and, without this waiver, will be unable to document their eligibility for HOPWA assistance.

Contact: Lisa Steinhauer, Office of HIV/AIDS Housing, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7248, Washington, DC 20410, telephone (215) 861–7651, *lisa.a.steinhauer@hud.gov.*

Mega-Waiver for Hurricane Idalia—Housing Opportunities for Persons Withs AIDS (HOPWA) Program

On September 18, 2023, HUD issued a memorandum offering waivers of certain statutory and regulatory requirements associated with several Community Planning and Development (CPD) grant programs to address damage and facilitate recovery from Hurricane Idalia in areas covered by a major disaster declaration under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), DR–4734–FL, dated August 31, 2023, as may be amended (the ''declared-disaster areas'').

• *Regulation:* 24 CFR 574.310(b)(2), Habitability Standards.

Project/Activity: The habitability requirements in 24 CFR 574.310(b)(2) are waived for units in the declared-disaster areas that are or will be occupied by HOPWA-eligible households, provided that the units are free of life-threatening conditions listed under table 65 on pages 292–294 of the NSPIRE standards at: *www.hud.gov/sites/dfiles/PIH/documents/6092-N-05nspire_final_standards.pdf.* Grantees must ensure that these units meet HOPWA habitability standards within 60 days of the date of September 18, 2023.

Nature of Requirement: Section 574.310(b)(2) of the HOPWA regulations provides minimum habitability standards that apply to all housing for which HOPWA funds are used for acquisition, rehabilitation, conversion, lease, or repair; new construction of single room occupancy dwellings and

community residences; project or tenant-based rental assistance; or operating costs under 24 CFR 574.300(b)(3), (4), (5), or (8).

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: September 18, 2023.

Reason Waived: This waiver is required to enable grantees and project sponsors to expeditiously meet the critical housing needs of the many eligible families in the declared disaster areas.

Contact: Lisa Steinhauer, Office of HIV/AIDS Housing, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7248, Washington, DC 20410, telephone (215) 861–7651, *lisa.a.steinhauer@hud.gov.*

• *Regulation:* 24 CFR 574.320(a)(1), Maximum Subsidy.

Project/Activity: Provided that the maximum subsidy is otherwise calculated as provided by § 574.320(a)(1), the requirement to use the rent standard as provided by § 574.320(a)(1) is waived. This waiver applies to the calculation of rental assistance for any rent amount that takes effect during the two-year period beginning on September 18, 2023, for any individual or family who is renting or executes a lease for a unit in the declared-disaster areas. This waiver would apply for twelve months from the date of the execution of the lease. Grantees and project sponsors must still ensure the reasonableness of rent charged for units in the declared-disaster areas in accordance with § 574.320(a)(3).

Nature of Requirement: The amount of grant funds used to pay monthly assistance for an eligible person may not exceed the difference between: (i) The lower of the rent standard or reasonable rent for the unit; and (ii) The resident's rent payment calculated under § 574.310(d).

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: September 18, 2023.

Reason Waived: Permitting the maximum rental assistance subsidy to be calculated under 24 CFR 574.320(a)(1) without regard to the rent standard would enable HOPWA grantees to expedite efforts to meet the critical housing needs of low-income people living with HIV and their families in the declared-disaster areas. Under the programmatic requirements at 24 CFR 574.320(a)(2), the rent standard shall be no more than the published section 8 fair market rent (FMR) or the HUD-approved community-wide exception for the unit size. In addition, on a unit-by-unit basis, the grantee may increase that amount by up to 10 percent for up to 20 percent of the units assisted. Notice CPD–22–10 Clarification of Rent Standard Requirement for the Housing Opportunities for Persons With AIDS (HOPWA) Program provides additional clarity and flexibility on how HOPWA grantees can administer the rent standard in accordance with 24 CFR 574.320(a)(2) and the Regulatory and Administrative Requirement Waivers and Flexibilities Available to HUD Public Housing and Section 8 During CY 2022 and CY 2023 to Public 16 Housing Agencies To Assist With Recovery and Relief Efforts on Behalf of Families Affected by Presidentially Declared Disasters, 87 FR 469 (Section 8 Disaster Notice) provides additional rent standard flexibility in presidentially declared disaster areas. Due to the extensive damage to housing units in the declared disaster area and the need to ensure safe and decent units are immediately available to eligible households to prevent homelessness and protect the health of the people with HIV served under the program, HUD has determined that it is not practicable for grantees to be held to the rent standards in 24 CFR 574.320(a)(2) even with the additional flexibilities under Notice CPD–22–10 and the Section 8 Disaster Notice. Waiving the requirement to use the rent standard in the calculation of the maximum monthly rental assistance amount under § 574.320(a)(1), while still requiring that the unit be rent reasonable in accordance with § 574.320(a)(3), will make more units immediately available to HOPWA eligible individuals and families in need of permanent housing in the declared-disaster areas and will help to quickly stabilize their housing and health.

Contact: Lisa Steinhauer, Office of HIV/AIDS Housing, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7248, Washington, DC 20410, telephone (215) 861–7651, *lisa.a.steinhauer@hud.gov.*

• *Regulation:* 24 CFR 574.530, Recordkeeping.

Project/Activity: The recordkeeping requirement at 24 CFR 574.530 is waived to the extent necessary to allow HOPWA grantees, located within and outside of the declared disaster areas, to assist displaced persons and families, provided that the grantees (1) require written certification of HIV status and income of such individuals and families seeking assistance and (2) obtain source documentation of HIV status and income eligibility within six months of May 17, 2023.

Nature of Requirement: Each grantee must maintain records to document compliance with HOPWA requirements, which includes determining the eligibility of a family to receive HOPWA assistance.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: September 18, 2023.

Reason Waived: This waiver will permit HOPWA grantees and project sponsors, located within and outside of the declared-disaster areas, to rely upon a family member's self-certification of income and HIV status in lieu of source documentation to determine eligibility for HOPWA assistance for individuals and families displaced by the disaster. Many individuals and families displaced by the disaster whose homes have been destroyed or damaged will not have immediate access to documentation of income or medical records and, without this waiver, will be unable to document their eligibility for HOPWA assistance.

Contact: Lisa Steinhauer, Office of HIV/AIDS Housing, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7248, Washington, DC 20410, telephone (215) 861–7651, *lisa.a.steinhauer@hud.gov.*

I. Mega-Waiver for Vermont Severe Storms and Floods—CoC

On July 27, 2023, Principal Deputy Assistant Secretary Marion McFadden issued a memorandum offering waivers of certain statutory and regulatory requirements associated with several Community Planning and Development (CPD) grant programs to address damage and facilitate recovery from severe storms and floods in areas of Vermont covered by a major disaster declaration under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), DR–4720–VT, dated July 14, 2023, and as may be amended (the ''declared-disaster areas''). The following summarizes the waivers available for CoC Program Recipients.

CoC—Permanent Housing Rapid Re-Housing Limit to 24 Months of Rental Assistance

• *Regulation:* 24 CFR 578.37(a)(1)(ii), 24 CFR 578.37(a)(1)(ii)(C), and 24 CFR 578.51(a)(1)(i).

Project/Activity: For two years from the issuance of the waiver, the 24-month limit on rental assistance is waived for individuals and families who meet the following criteria. (1) The individual or family lives in a declared-disaster area or was displaced from a declared-disaster area as a result of the disaster; and (2) the individual or family is currently receiving rental assistance or begins receiving rental assistance within two years after the date of the issuance of the waiver. The waiver may be used for program participants affected by the disaster, even if they are residing outside of the disaster area.

Nature of Requirement: The CoC Program regulation at 24 CFR 578.37(a)(1)(ii) and 24 CFR 578.51(a)(1)(i) defines medium-term rental assistance as 3 to 24 months and 24 CFR 578.37(a)(1)(ii) and 24 CFR 578.37(a)(1)(ii)(C) limits rapid re-housing projects to medium-term rental assistance, or no more than 24 months.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: July 27, 2023.

Reason Waived: Waiving the 24-month cap on rapid re-housing rental assistance will assist individuals and families affected by the disaster, including those already receiving rental assistance as well as those who will receive rental assistance within 2 years of the date of the issuance of the waiver, to maintain stable permanent housing in another area and help them return to their hometowns, as desired, when additional permanent housing becomes available. It will also provide additional time to stabilize individuals and families in permanent housing where vacancy rates are extraordinarily low due to the disaster. Experience with prior disasters has shown us some program participants need additional months of rental assistance to identify and stabilize in housing of their choice, which can mean moving elsewhere until they are able to return to their hometowns.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708–4300.

CoC—One Year Lease Requirement

• *Regulation:* 24 CFR 578.3, definition of permanent housing, 24 CFR 578.51(l)(1).

Project/Activity: The one-year lease requirement is waived for two years beginning on the date of the issuance of the waiver for program participants affected by the disaster, even if they are residing outside of the disaster area, so long as the initial lease term of all leases is for more than one month, and the leases are renewable for terms that are a minimum of one month long and the leases are terminable only for cause.

Nature of Requirement: The CoC Program regulation at 24 CFR 578.3, definition of permanent housing, and 24 CFR 578.51(l)(1) requires program participants residing in permanent housing to be the tenant on a lease for a term of one year that is renewable and terminable only for cause.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: July 27, 2023.

Reason Waived: Waiving the one-year lease requirement will allow program participants receiving PSH or RRH assistance under the CoC Program to enter into leases that have an initial term of less than one year, so long as the leases have an initial term of more than one month. While some program participants desire to identify new housing, many program participants displaced during the disaster desire to return to their original permanent housing units when repairs are complete because of proximity to schools and access to public transportation and services. Additionally, it will permit new program participants to identify permanent housing units in a tight rental market where many landlords prefer lease terms of less than one year and might not be willing to alter their policies regarding the length of lease terms when considering permanent housing applicants. Therefore, HUD had determined that waiving the one-year lease requirement will improve the housing options available to program participants in permanent housing projects.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708–4300.

CoC—One-Time Limit on Moving Costs

• *Regulation:* 24 CFR 578.53(e)(2).

Project/Activity: The one-time limit on moving costs of program participants is waived for two years beginning on the date of the issuance of the waiver for program participants affected by the disaster, even if they are residing outside of the disaster area.

Nature of Requirement: The CoC Program regulation at 24 CFR 578.53(e)(2) limits recipients of supportive service funds to using those funds to pay for moving costs to provide reasonable moving assistance, including truck rental and hiring a moving company, to only one-time per program participant.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: July 27, 2023.

Reason Waived: Waiving this provision will permit recipients to pay for reasonable moving costs for program participants more than once and will assist program participants affected by the disaster as well as those who become homeless in the areas impacted by the disaster to stabilize in housing locations of their choice. Many current program participants received assistance moving into their assisted units prior to being displaced by the disaster, and experience with prior disasters has shown us some program participants will need additional assistance moving to a new unit while others will need assistance moving back to their original units after repairs are completed. Further, until the housing market stabilizes, experience has shown many program participants will need to move more than once during their participation in a program to find a unit that best meets their needs.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone number (202) 708–4300.

CoC—Fair Market Rent (FMR) Cap on Rent Paid With Leasing Funds

• *Regulation:* 24 CFR 578.49(b)(2).

Project/Activity: The FMR restriction is waived for any lease executed by a recipient or subrecipient to provide transitional or permanent supportive housing during the 2-year period beginning on the date of the issuance of the waiver. The affected recipient or subrecipient must still ensure that rent paid for individual units that are leased with CoC Program leasing dollars meet the rent reasonableness standard in 24 CFR 578.49(b)(2) meaning the rent paid must be reasonable in relation to rents being charged for comparable units, taking into account the location, size, type, quality, amenities, facilities, and management services. The waiver may be used for program participants affected by the disaster, even if they're residing outside of the disaster area.

Nature of Requirement: The CoC Program regulation at 24 CFR 578.49(b)(2) prohibits a recipient from using grant funds for leasing to pay above FMR when leasing individual units, even if the rent is reasonable when compared to other similar, unassisted units.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: July 27, 2023.

Reason Waived: Waiving the limit on using leasing funds to pay above FMR for individual units above FMR, but not greater than reasonable rent, will provide recipients and subrecipients with more flexibility in identifying housing options for program participants in declared-declared areas. The rental markets in areas impacted by disasters are often more expensive after the disaster due to decreased housing stock and increased rents. These more expensive rents are not reflected in the HUD-determined FMRs.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

CoC—Disability Documentation for Permanent Supportive Housing (PSH)

• *Regulation:* 24 CFR 578.103(a) and 24 CFR 578.103(a)(4)(i)(B).

Project/Activity: The requirement that intake-staff recorded observations of disability be confirmed and accompanied by other evidence no later than 45 days from the date of application for assistance is waived for any program participant admitted into PSH funded by the CoC program one-year from the date of the issuance of the waiver so long as (1) the intake-staff records observations of disability in the client file at time of application; or (2) the individual seeking assistance provides written certification that they have a qualifying disability is provided at time of application. The waiver may be used for program participants affected by the disaster, even if they are residing outside of the disaster area.

Nature of Requirement: 24 CFR 578.103(a) requires recipient to maintain records providing evidence they met program requirements and 24 CFR 578.103(a)(4)(i)(B) establishes the requirements for documenting disability for individuals and families that meet the ''chronically homeless'' definition in 24 CFR 578.3. Acceptable evidence of disability includes intake-staff recorded observations of disability no later than 45 days from the date of application for assistance, which is confirmed and accompanied by evidence in paragraphs 24 CFR 578.103(a)(4)(i)(B)(1), (2), (3), or (5). HUD is waiving the requirement to obtain additional evidence to confirm staff-recorded observations of disability.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: July 27, 2023.

Reason Waived: Waiving the requirement to obtain additional evidence of disability as provided in 24 CFR 578.103(a)(4)(i)(B)(4)) as specified above will allow recipient to house people impacted by severe storms and flooding in Vermont by relying on intake staff-recorded observations of disability or a written self-certification by the program participant. This will help individuals and families with disabilities to expeditiously receive needed housing assistance when paperwork from the Social Security Administration or medical professionals cannot be quickly obtained.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

II. Mega-Waiver for Vermont Severe Storms and Flooding—ESG

On July 27, 2023, Principal Deputy Assistant Secretary Marion McFadden issued a memorandum offering waivers of certain statutory and regulatory requirements associated with several Community Planning and Development (CPD) grant programs to address damage and facilitate recovery from severe storms and floods in areas of Vermont covered by a major disaster declaration under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), DR–4720–VT, dated July 14, 2023, and as may be amended (the ''declared-disaster areas''). The following summarizes the waivers available for ESG Program Recipients.

ESG—Term Limits on Rental Assistance and Housing Relocation and Stabilization Services

• *Regulation:* 24 CFR 576.106(a); 24 CFR 576.105(a)(5); 24 CFR 576.105(c) and 24 CFR 576.105(b)(2)—Term limits on Rental Assistance and Housing Relocation and Stabilization Services.

Project/Activity: The 24-month limits on rental assistance and housing relocation and stabilization services are waived for individuals and families who meet both of the following criteria: (1) the individual or family lives in a declared-disaster area or was displaced from a declared-disaster area as a result of severe storms and floods in Vermont; and (2) the individual or family is currently receiving rental assistance or housing relocation stabilization services or begins receiving rental assistance or housing relocation and stabilization services within two years after the date of the issuance of the waiver. For these individuals and families, ESG funds may be used to provide up to 36 consecutive months of rental assistance, utility payments, and housing stability case management, in addition to the 30 days of housing stability case management that may be provided before the move into permanent housing under 24 CFR 576.105(b)(2). HUD will also consider further waiver requests to allow assistance to be provided for longer than three years, if the recipient demonstrates good cause.

Nature of Requirement: The ESG regulation at 24 CFR 576.106(a) prohibits a program participant from receiving more than 24 months of ESG rental assistance during any 3-year period. Section 576.105(a)(5) prohibits a program participant from receiving more than 24 months of utility payments under ESG during any 3-year period. Section 576.105(b)(2) limits the provision of housing stability case management to 30 days while the program participant is seeking permanent housing and 24 months while the program participant is living in permanent housing.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: July 27, 2023.

Reason Waived: Waiving the 24-month caps on rental assistance, utility payments, and housing stability case management assistance will assist individuals and families, both those already receiving assistance and those who will receive assistance subsequent to the date of the issuance of the waiver to maintain stable permanent housing in place or in another area and help them return to their hometowns, as desired, when additional permanent housing is available.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

ESG—Restriction of Rental Assistance to Units With Rent at or Below Fair Market Rent (FMR)

• *Regulation:* 24 CFR 576.106(d)(1).

Project/Activity: The FMR restriction is waived for any rent amount that takes effect during the two-year period beginning on the date of the issuance of the waiver for any individual or family who is renting or executes a lease for a unit in a declared-disaster area. However, the affected recipients and their subrecipients must still ensure that the units in which ESG assistance is provided to these individuals and families meet the rent reasonableness standard. HUD will consider requests to waive the FMR restriction for rent amounts that take effect after the two-year period, if a recipient demonstrates good cause.

Nature of Requirement: Under 24 CFR 576.106(d)(1), rental assistance cannot be provided unless the total rent is equal to or less than the FMR established by HUD, as provided under 24 CFR part 888, and complies with HUD's standard of rent reasonableness, as established under 24 CFR 982.507.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: July 27, 2023.

Reason Waived: HUD granted this waiver to enable ESG recipients to meet the critical housing needs of individuals and families whose housing was damaged or who were displaced as a result of severe storms and floods in Vermont. Waiving the FMR restriction will make more units available to individuals and families in need of permanent housing.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

ESG—Housing Standards

• *Regulation:* 24 CFR 576.403(c).

Project/Activity: The ESG housing standards at 24 CFR 576.403(c) are waived for units in the declared disaster area that are or will be occupied by individuals or families eligible for ESG Rapid Re-housing or Homelessness Prevention assistance, provided that: 1. Each unit must still meet applicable state and local standards; 2. Each unit must be free of life-threatening conditions as defined in Notice PIH 2017–20 (HA); and 3. Recipients must make sure all units in which program participants are assisted meet the ESG housing standards within 60 days of the date of the issuance of the waiver.

Nature of Requirement: If ESG funds are used to help a program participant remain in or move into housing, the housing must meet the minimum habitability standards provided in 24 CFR 576.403(c).

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: July 27, 2023.

Reason Waived: This waiver is needed to enable ESG recipients to expeditiously meet the critical housing needs of many eligible individuals and families in the declared disaster area.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

ESG—Shelter Standards

• *Regulation:* 24 CFR 576.403(b).

Project/Activity: The ESG shelter standards at 24 CFR 576.403(b) are waived for shelters in the declared disaster area that are or will be occupied by individuals and families eligible for ESG emergency shelter assistance, provided that: (1) Each shelter must meet applicable state and local standards; (2) Each shelter must be free of life-threatening conditions defined in Notice PIH 2017–20 (HA); and (3) Recipients ensure that these shelters.

Nature of Requirement: If ESG funds are used for shelter operations costs, the shelter must meet the minimum safety, sanitation and privacy standards under 24 CFR 576.403(b). If ESG funds are used to convert a building into a shelter, rehabilitation a shelter, or otherwise renovate a shelter, the shelter must meet the minimum safety, sanitation, and privacy standards in 24 CFR 576.403(b) as well as applicable state or local government safety and sanitation standards.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: July 27, 2023.

Reason Waived: This waiver is needed to enable ESG recipients to expeditiously meet the critical emergency shelter needs of many eligible individuals and families in the declared disaster area.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

ESG—Limited Waiver of 24-Month Expenditure Deadline for Rapid Re-Housing and Homelessness Prevention Assistance and Related Administrative and HMIS Costs

• *Regulation:* 24 CFR 576.203(b).

Project/Activity: The expenditure deadline is waived only for costs of providing homelessness prevention and rapid re-housing assistance to individuals and families under the flexibility provided by ESG waivers on term limits on rental assistance and housing relocation and

stabilization services; restriction of rental assistance to units with rent at or below FMR; assisting program participants with subleases; and reasonable HMIS and administrative costs related to that assistance. In addition, no expenditure may be made or charged to any grant on or after the date Treasury closes the relevant account as provided by 31 U.S.C. 1552.

Nature of Requirement: Section 576.203(b) of the ESG regulations requires all expenditures under an ESG grant to be made within 24 months after the date HUD signs the grant agreement with the recipient. For purposes of this requirement, expenditure means either an actual cash disbursement for a direct charge for a good or service or an indirect cost, or the accrual of a direct charge for a good or service or an indirect cost.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: July 27, 2023.

Reason Waived: Providing a limited waiver of the expenditure deadline for costs of providing homelessness prevention and rapid re-housing assistance to individuals and families will support recipients' ability to assist individuals and families as provided by other ESG program waivers related to this disaster.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

ESG—Assisting Program Participants With Subleases

- *Regulation:* 24 CFR 576.105 and 24 CFR 576.106.

Project/Activity: The requirements in 24 CFR 576.105 and 576.106 are waived to the extent that the references to ''owner'' and ''lease'' in 24 CFR 576.105 and 576.106 restrict an individual or family from receiving assistance in a unit they rent from the primary leaseholder, provided that all of the following criteria are met: 1. The individual or family lives in the declared-disaster area or was displaced from the declared-disaster area as a result of severe storms and floods in Vermont; 2. The individual or family is currently receiving ESG-funded rental assistance as the leaseholder or housing relocation stabilization services or begins receiving rental assistance or housing relocation stabilization services within two years after the date of the issuance of the waiver; 3. The individual or family chooses to rent a unit through a legally valid sublease or lease with the primary leaseholder for the unit; and 4. The recipient has developed written policies to apply the requirements of 24 CFR 576.105, 24 CFR 576.106, 24 CFR 576.409, and 24 CFR 576.500(h) with respect to that program participant by reading the references to ''owner'' and ''housing owner'' to apply to the primary leaseholder and reading the references to ''lease'' to apply to the program participant's sublease or lease with the primary leaseholder.

Nature of Requirement: The use of ''owner'' and ''lease'' in 24 CFR 576.105 and 576.106 prohibit program participants from receiving rental assistance under 24 CFR 576.106 and certain services under 24 CFR 576.105 with respect to units that program participants rent from a person other than the owner or the owner's agent. Justification: By increasing the permissible housing options for program participations, this waiver would allow the recipient to meet the critical housing needs of more eligible individuals and families in the declared disaster area.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: July 27, 2023.

Reason Waived: By increasing the permissible housing options for program participations, this waiver would allow the recipient to meet the critical housing needs of more eligible individuals and families in the declared disaster area.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

III. Mega-Waiver for Hawaii Wildfires—CoC

On August 14, 2023, Principal Deputy Assistant Secretary Marion McFadden issued a memorandum offering waivers of certain statutory and regulatory requirements associated with several Community Planning and Development (CPD) grant programs to address damage and facilitate recovery from wildfires in areas of Hawaii covered by a major disaster declaration under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), DR–4724–HI, dated August 10, 2023, and as may be amended (the ''declared-disaster areas''). The following summarizes the waivers available for CoC Program Recipients.

CoC—Permanent Housing Rapid Re-Housing Limit to 24 Months of Rental Assistance

- *Regulation:* 24 CFR 578.37(a)(1)(ii), 24 CFR 578.37(a)(1)(ii)(C), and 24 CFR 578.51(a)(1)(i).

Project/Activity: For two years from the issuance of the waiver, the 24-month limit on rental assistance is waived for individuals and families who meet the following criteria. (1) The individual or family lives in a declared-disaster area or was displaced from a declared-disaster area as a result of the disaster; and (2) the individual or family is currently receiving rental assistance or begins receiving rental assistance within two years after the date of the issuance of the waiver. The waiver may be used for program participants affected by the disaster, even if they are residing outside of the disaster area.

Nature of Requirement: The CoC Program regulation at 24 CFR 578.37(a)(1)(ii) and 24 CFR 578.51(a)(1)(i) defines medium-term rental assistance as 3 to 24 months and 24 CFR 578.37(a)(1)(ii) and 24 CFR 578.37(a)(1)(ii)(C) limits rapid re-housing projects to medium-term rental assistance, or no more than 24 months.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: August 14, 2023.

Reason Waived: Waiving the 24-month cap on rapid re-housing rental assistance will assist individuals and families affected by the disaster, including those already receiving rental assistance as well as those who will receive rental assistance within 2 years of the date of the issuance of the waiver, to maintain stable permanent housing in another area and help them return to their hometowns, as desired, when additional permanent housing becomes available. It will also provide additional time to stabilize individuals and families in permanent housing where vacancy rates are extraordinarily low due to the disaster. Experience with prior disasters has shown us some program participants need additional months of rental assistance to identify and stabilize in housing of their choice, which can mean moving elsewhere until they are able to return to their hometowns.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

CoC—One Year Lease Requirement

- *Regulation:* 24 CFR 578.3, definition of permanent housing, 24 CFR 578.51(l)(1).

Project/Activity: The one-year lease requirement is waived for two years beginning on the date of the issuance of the waiver for program participants affected by the disaster, even if they are residing outside of the disaster area, so long as the initial lease term of all leases is for more than one month, and the leases are renewable for terms that are a minimum of one month long and the leases are terminable only for cause.

Nature of Requirement: The CoC Program regulation at 24 CFR 578.3, definition of permanent housing, and 24 CFR 578.51(l)(1) requires program participants residing in permanent housing to be the tenant on a lease for a term of one year that is renewable and terminable only for cause.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: August 14, 2023.

Reason Waived: Waiving the one-year lease requirement will allow program participants receiving PSH or RRH assistance under the CoC Program to enter into leases that have an initial term of less than one year, so long as the leases have an initial term of more than one month. While some program participants desire to identify new housing, many program participants displaced during the disaster desire to return to their original permanent housing units when repairs are complete because of proximity to schools and access to public transportation and services. Additionally, it will permit new program participants to identify permanent housing units in a tight rental market where many landlords prefer lease terms of less than one year and might not be willing to alter their policies regarding the length of lease terms when considering permanent housing applicants. Therefore, HUD had determined that waiving the one-year lease requirement will improve the housing options available to

program participants in permanent housing projects.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

CoC—One-Time Limit on Moving Costs

• *Regulation:* 24 CFR 578.53(e)(2).

Project/Activity: The one-time limit on moving costs of program participants is waived for two years beginning on the date of the issuance of the waiver for program participants affected by the disaster, even if they are residing outside of the disaster area.

Nature of Requirement: The CoC Program regulation at 24 CFR 578.53(e)(2) limits recipients of supportive service funds to using those funds to pay for moving costs to provide reasonable moving assistance, including truck rental and hiring a moving company, to only one-time per program participant.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: August 14, 2023.

Reason Waived: Waiving this provision will permit recipients to pay for reasonable moving costs for program participants more than once and will assist program participants affected by the disaster as well as those who become homeless in the areas impacted by the disaster to stabilize in housing locations of their choice. Many current program participants received assistance moving into their assisted units prior to being displaced by the disaster, and experience with prior disasters has shown us some program participants will need additional assistance moving to a new unit while others will need assistance moving back to their original units after repairs are completed. Further, until the housing market stabilizes, experience has shown many program participants will need to move more than once during their participation in a program to find a unit that best meets their needs.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

CoC—Fair Market Rent (FMR) Cap on Rent Paid With Leasing Funds

• *Regulation:* 24 CFR 578.49(b)(2).

Project/Activity: The FMR restriction is waived for any lease executed by a recipient or subrecipient to provide transitional or permanent supportive housing during the 2-year period beginning on the date of the issuance of the waiver. The affected recipient or subrecipient must still ensure that rent paid for individual units that are leased with CoC Program leasing dollars meet the rent reasonableness standard in 24 CFR 578.49(b)(2) meaning the rent paid must be reasonable in relation to rents being charged for comparable units, taking into account the location, size, type, quality, amenities, facilities, and management services. The waiver may be used for program participants affected by the disaster, even if they are residing outside of the disaster area.

Nature of Requirement: The CoC Program regulation at 24 CFR 578.49(b)(2) prohibits a recipient from using grant funds for leasing to pay above FMR when leasing individual units, even if the rent is reasonable when compared to other similar, unassisted units.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: August 14, 2023.

Reason Waived: Waiving the limit on using leasing funds to pay above FMR for individual units above FMR, but not greater than reasonable rent, will provide recipients and subrecipients with more flexibility in identifying housing options for program participants in declared-declared areas. The rental markets in areas impacted by disasters are often more expensive after the disaster due to decreased housing stock and increased rents. These more expensive rents are not reflected in the HUD-determined FMRs.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

CoC—Disability Documentation for Permanent Supportive Housing (PSH)

• *Regulation:* 24 CFR 578.103(a) and 24 CFR 578.103(a)(4)(i)(B).

Project/Activity: The requirement that intake-staff recorded observations of disability be confirmed and accompanied by other evidence no later than 45 days from the date of application for assistance is waived for any program participant admitted into PSH funded by the CoC program one-year from the date of the issuance of the waiver so long as (1) the intake-staff records observations of disability in the client file at time of application; or (2) the individual seeking assistance provides written certification that they have a qualifying disability is provided at time of application. The waiver may be used for program participants affected by the disaster, even if they are residing outside of the disaster area.

Nature of Requirement: 24 CFR 578.103(a) requires recipient to maintain records providing evidence they met program requirements and 24 CFR 578.103(a)(4)(i)(B) establishes the requirements for documenting disability for individuals and families that meet the ''chronically homeless'' definition in 24 CFR 578.3. Acceptable evidence of disability includes intake-staff recorded observations of disability no later than 45 days from the date of application for assistance, which is confirmed and accompanied by evidence in paragraphs 24 CFR 578.103(a)(4)(i)(B)(1), (2), (3), or (5). HUD is waiving the requirement to obtain additional evidence to confirm staff-recorded observations of disability.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: August 14, 2023.

Reason Waived: Waiving the requirement to obtain additional evidence of disability as provided in 24 CFR 578.103(a)(4)(i)(B)(4)) as specified above will allow recipient to house people impacted by wildfires in Hawaii by relying on intake staff-recorded observations of disability or a written self-certification by the program participant. This will help individuals and families with disabilities to expeditiously receive needed housing assistance when paperwork from the Social Security Administration or medical professionals cannot be quickly obtained.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

Mega-Waiver for Hawaii Wildfires—ESG

On August 14, 2023, Principal Deputy Assistant Secretary Marion McFadden issued a memorandum offering waivers of certain statutory and regulatory requirements associated with several Community Planning and Development (CPD) grant programs to address damage and facilitate recovery from wildfires in areas of Hawaii covered by a major disaster declaration under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), DR–4724–HI, dated August 10, 2023, and as may be amended (the ''declared-disaster areas''). The following summarizes the waivers available for ESG Program Recipients.

ESG—Term Limits on Rental Assistance and Housing Relocation and Stabilization Services

• *Regulation:* 24 CFR 576.106(a); 24 CFR 576.105(a)(5); 24 CFR 578.105(c) and 24 CFR 576.105(b)(2)—Term limits on Rental Assistance and Housing Relocation and Stabilization Services.

Project/Activity: The 24-month limits on rental assistance and housing relocation and stabilization services are waived for individuals and families who meet both of the following criteria: (1) the individual or family lives in a declared-disaster area or was displaced from a declared-disaster area as a result of wildfires in areas of Hawaii; and (2) the individual or family is currently receiving rental assistance or housing relocation stabilization services or begins receiving rental assistance or housing relocation and stabilization services within two years after the date of the issuance of the waiver. For these individuals and families, ESG funds may be used to provide up to 36 consecutive months of rental assistance, utility payments, and housing stability case management, in addition to the 30 days of housing stability case management that may be provided before the move into permanent housing under 24 CFR 576.105(b)(2). HUD will also consider further waiver requests to allow assistance to be provided for longer than three years, if the recipient demonstrates good cause.

Nature of Requirement: The ESG regulation at 24 CFR 576.106(a) prohibits a program participant from receiving more than 24 months of ESG rental assistance during any

3-year period. Section 576.105(a)(5) prohibits a program participant from receiving more than 24 months of utility payments under ESG during any 3-year period. Section 576.105(b)(2) limits the provision of housing stability case management to 30 days while the program participant is seeking permanent housing and 24 months while the program participant is living in permanent housing.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: August 14, 2023.

Reason Waived: Waiving the 24-month caps on rental assistance, utility payments, and housing stability case management assistance will assist individuals and families, both those already receiving assistance and those who will receive assistance subsequent to the date of the issuance of the waiver to maintain stable permanent housing in place or in another area and help them return to their hometowns, as desired, when additional permanent housing is available.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

ESG—Restriction of Rental Assistance to Units With Rent at or Below Fair Market Rent (FMR)

• *Regulation:* 24 CFR 576.106(d)(1).

Project/Activity: The FMR restriction is waived for any rent amount that takes effect during the two-year period beginning on the date of the issuance of the waiver for any individual or family who is renting or executes a lease for a unit in a declared-disaster area. However, the affected recipients and their subrecipients must still ensure that the units in which ESG assistance is provided to these individuals and families meet the rent reasonableness standard. HUD will consider requests to waive the FMR restriction for rent amounts that take effect after the two-year period, if a recipient demonstrates good cause.

Nature of Requirement: Under 24 CFR 576.106(d)(1), rental assistance cannot be provided unless the total rent is equal to or less than the FMR established by HUD, as provided under 24 CFR part 888, and complies with HUD's standard of rent reasonableness, as established under 24 CFR 982.507.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: August 14, 2023.

Reason Waived: HUD granted this waiver to enable ESG recipients to meet the critical housing needs of individuals and families whose housing was damaged or who were displaced as a result of wildfires in Hawaii. Waiving the FMR restriction will make more units available to individuals and families in need of permanent housing.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

ESG—Housing Standards

• *Regulation:* 24 CFR 576.403(c).

Project/Activity: The ESG housing standards at 24 CFR 576.403(c) are waived for units in the declared disaster area that are or will be occupied by individuals or families eligible for ESG Rapid Re-housing or Homelessness Prevention assistance, provided that: 1. Each unit must still meet applicable state and local standards; 2. Each unit must be free of life-threatening conditions as defined in Notice PIH 2017–20 (HA); and 3. Recipients must make sure all units in which program participants are assisted meet the ESG housing standards within 60 days of the date of the issuance of the waiver.

Nature of Requirement: If ESG funds are used to help a program participant remain in or move into housing, the housing must meet the minimum habitability standards provided in 24 CFR 576.403(c).

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: August 14, 2023.

Reason Waived: This waiver is needed to enable ESG recipients to expeditiously meet the critical housing needs of many eligible individuals and families in the declared disaster area.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

ESG—Shelter Standards

• *Regulation:* 24 CFR 576.403(b).

Project/Activity: The ESG shelter standards at 24 CFR 576.403(b) are waived for shelters in the declared disaster area that are or will be occupied by individuals and families eligible for ESG emergency shelter assistance, provided that: (1) Each shelter must meet applicable state and local standards; (2) Each shelter must be free of life-threatening conditions defined in Notice PIH 2017–20 (HA); and (3) Recipients ensure that these shelters

Nature of Requirement: If ESG funds are used for shelter operations costs, the shelter must meet the minimum safety, sanitation and privacy standards under 24 CFR 576.403(b). If ESG funds are used to convert a building into a shelter, rehabilitation a shelter, or otherwise renovate a shelter, the shelter must meet the minimum safety, sanitation, and privacy standards in 24 CFR 576.403(b) as well as applicable state or local government safety and sanitation standards.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: August 14, 2023.

Reason Waived: This waiver is needed to enable ESG recipients to expeditiously meet the critical emergency shelter needs of many eligible individuals and families in the declared disaster area.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

ESG—Limited Waiver of 24-Month Expenditure Deadline for Rapid Re-Housing and Homelessness Prevention Assistance and Related Administrative and HMIS Costs

• *Regulation:* 24 CFR 576.203(b).

Project/Activity: The expenditure deadline is waived only for costs of providing homelessness prevention and rapid re-housing assistance to individuals and families under the flexibility provided by ESG waivers on term limits on rental assistance and housing relocation and stabilization services; restriction of rental assistance to units with rent at or below FMR; assisting program participants with subleases; and reasonable HMIS and administrative costs related to that assistance. In addition, no expenditure may be made or charged to any grant on or after the date Treasury closes the relevant account as provided by 31 U.S.C. 1552.

Nature of Requirement: Section 576.203(b) of the ESG regulations requires all expenditures under an ESG grant to be made within 24 months after the date HUD signs the grant agreement with the recipient. For purposes of this requirement, expenditure means either an actual cash disbursement for a direct charge for a good or service or an indirect cost, or the accrual of a direct charge for a good or service or an indirect cost.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: August 14, 2023.

Reason Waived: Providing a limited waiver of the expenditure deadline for costs of providing homelessness prevention and rapid re-housing assistance to individuals and families will support recipients' ability to assist individuals and families as provided by other ESG program waivers related to this disaster.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

ESG—Assisting Program Participants With Subleases

• *Regulation:* 24 CFR 576.105 and 24 CFR 576.106.

Project/Activity: The requirements in 24 CFR 576.105 and 576.106 are waived to the extent that the references to ''owner'' and ''lease'' in 24 CFR 576.105 and 576.106 restrict an individual or family from receiving assistance in a unit they rent from the primary leaseholder, provided that all of the following criteria are met: 1. The individual or family lives in the declared-disaster area or was displaced from the declared-disaster area as a result of wildfires in Hawaii; 2. The individual or family is currently receiving ESG-funded rental assistance as the leaseholder or housing relocation stabilization services or begins receiving rental assistance or housing

relocation stabilization services within two years after the date of the issuance of the waiver; 3. The individual or family chooses to rent a unit through a legally valid sublease or lease with the primary leaseholder for the unit; and 4. The recipient has developed written policies to apply the requirements of 24 CFR 576.105, 24 CFR 576.106, 24 CFR 576.409, and 24 CFR 576.500(h) with respect to that program participant by reading the references to ''owner'' and ''housing owner'' to apply to the primary leaseholder and reading the references to ''lease'' to apply to the program participant's sublease or lease with the primary leaseholder.

Nature of Requirement: The use of ''owner'' and ''lease'' in 24 CFR 576.105 and 576.106 prohibit program participants from receiving rental assistance under 24 CFR 576.106 and certain services under 24 CFR 576.105 with respect to units that program participants rent from a person other than the owner or the owner's agent. Justification: By increasing the permissible housing options for program participations, this waiver would allow the recipient to meet the critical housing needs of more eligible individuals and families in the declared disaster area.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: August 14, 2023.

Reason Waived: By increasing the permissible housing options for program participations, this waiver would allow the recipient to meet the critical housing needs of more eligible individuals and families in the declared disaster area.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

Mega-Waiver for Hurricane Idalia—CoC and YHDP

On September 18, 2023, Principal Deputy Assistant Secretary Marion McFadden issued a memorandum offering waivers of certain statutory and regulatory requirements associated with several Community Planning and Development (CPD) grant programs to address damage and facilitate recovery from Hurricane Idalia covered by a major disaster declaration under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), DR–4734–FL, dated August 31, 2023, and as may be amended (the ''declared-disaster areas''). The following summarizes the waivers available for CoC Program Recipients.

CoC and YHDP—Permanent Housing Rapid Re-Housing Limit to 24 Months of Rental Assistance

- *Regulation:* 24 CFR 578.37(a)(1)(ii), 24 CFR 578.37(a)(1)(ii)(C), and 24 CFR 578.51(a)(1)(i).

Project/Activity: For two years from the issuance of the waiver, the 24-month limit on rental assistance is waived for individuals and families who meet the following criteria. (1) The individual or family lives in a declared-disaster area or was displaced from a declared-disaster area as a result of the disaster; and (2) the individual or family is currently receiving rental assistance or begins receiving rental assistance within two years after the date of the issuance of the waiver. The waiver may be used for program participants affected by the disaster, even if they are residing outside of the disaster area.

Nature of Requirement: The CoC Program regulation at 24 CFR 578.37(a)(1)(ii) and 24 CFR 578.51(a)(1)(i) defines medium-term rental assistance as 3 to 24 months and 24 CFR 578.37(a)(1)(ii) and 24 CFR 578.37(a)(1)(ii)(C) limits rapid re-housing projects to medium-term rental assistance, or no more than 24 months.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: September 18, 2023.

Reason Waived: Waiving the 24-month cap on rapid re-housing rental assistance will assist individuals and families affected by the disaster, including those already receiving rental assistance as well as those who will receive rental assistance within 2 years of the date of the issuance of the waiver, to maintain stable permanent housing in another area and help them return to their hometowns, as desired, when additional permanent housing becomes available. It will also provide additional time to stabilize individuals and families in permanent housing where vacancy rates are extraordinarily low due to the disaster. Experience with prior disasters has shown us some program participants need additional months of rental assistance to identify and stabilize in housing of their choice, which can mean moving elsewhere until they are able to return to their hometowns.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

CoC and YHDP—One Year Lease Requirement

- *Regulation:* 24 CFR 578.3, definition of permanent housing, 24 CFR 578.51(l)(1).

Project/Activity: The one-year lease requirement is waived for two years beginning on the date of the issuance of the waiver for program participants affected by the disaster, even if they are residing outside of the disaster area, so long as the initial lease term of all leases is for more than one month, and the leases are renewable for terms that are a minimum of one month long and the leases are terminable only for cause.

Nature of Requirement: The CoC Program regulation at 24 CFR 578.3, definition of permanent housing, and 24 CFR 578.51(l)(1) requires program participants residing in permanent housing to be the tenant on a lease for a term of one year that is renewable and terminable only for cause.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: September 18, 2023.

Reason Waived: Waiving the one-year lease requirement will allow program participants receiving PSH or RRH assistance under the CoC Program to enter into leases that have an initial term of less than one year, so long as the leases have an initial term of more than one month. While some program participants desire to identify new housing, many program participants displaced during the disaster desire to return to their original permanent housing units when repairs are complete because of proximity to schools and access to public transportation and services. Additionally, it will permit new program participants to identify permanent housing units in a tight rental market where many landlords prefer lease terms of less than one year and might not be willing to alter their policies regarding the length of lease terms when considering permanent housing applicants. Therefore, HUD had determined that waiving the one-year lease requirement will improve the housing options available to program participants in permanent housing projects.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

CoC and YHDP—One-time Limit on Moving Costs

- *Regulation:* 24 CFR 578.53(e)(2).

Project/Activity: The one-time limit on moving costs of program participants is waived for two years beginning on the date of the issuance of the waiver for program participants affected by the disaster, even if they are residing outside of the disaster area.

Nature of Requirement: The CoC Program regulation at 24 CFR 578.53(e)(2) limits recipients of supportive service funds to using those funds to pay for moving costs to provide reasonable moving assistance, including truck rental and hiring a moving company, to only one-time per program participant.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: September 18, 2023.

Reason Waived: Waiving this provision will permit recipients to pay for reasonable moving costs for program participants more than once and will assist program participants affected by the disaster as well as those who become homeless in the areas impacted by the disaster to stabilize in housing locations of their choice. Many current program participants received assistance moving into their assisted units prior to being displaced by the disaster, and experience with prior disasters has shown us some program participants will need additional assistance moving to a new unit while others will need assistance moving back to their original units after repairs are completed. Further, until the housing market stabilizes, experience has shown many program participants will need to move more than once during their participation in a program to find a unit that best meets their needs.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room

7262, Washington, DC 20410, telephone (202) 708–4300.

CoC and YHDP—Fair Market Rent (FMR) Cap on Rent Paid with Leasing Funds

• *Regulation:* 24 CFR 578.49(b)(2).

Project/Activity: The FMR restriction is waived for any lease executed by a recipient or subrecipient to provide transitional or permanent supportive housing during the 2-year period beginning on the date of the issuance of the waiver. The affected recipient or subrecipient must still ensure that rent paid for individual units that are leased with CoC Program leasing dollars meet the rent reasonableness standard in 24 CFR 578.49(b)(2) meaning the rent paid must be reasonable in relation to rents being charged for comparable units, taking into account the location, size, type, quality, amenities, facilities, and management services. The waiver may be used for program participants affected by the disaster, even if they are residing outside of the disaster area.

Nature of Requirement: The CoC Program regulation at 24 CFR 578.49(b)(2) prohibits a recipient from using grant funds for leasing to pay above FMR when leasing individual units, even if the rent is reasonable when compared to other similar, unassisted units.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: September 18, 2023.

Reason Waived: Waiving the limit on using leasing funds to pay above FMR for individual units above FMR, but not greater than reasonable rent, will provide recipients and subrecipients with more flexibility in identifying housing options for program participants in declared-declared areas. The rental markets in areas impacted by disasters are often more expensive after the disaster due to decreased housing stock and increased rents. These more expensive rents are not reflected in the HUD-determined FMRs.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

CoC and YHDP—Disability Documentation for Permanent Supportive Housing (PSH)

• *Regulation:* 24 CFR 578.103(a) and 24 CFR 578.103(a)(4)(i)(B).

Project/Activity: The requirement that intake-staff recorded observations of disability be confirmed and accompanied by other evidence no later than 45 days from the date of application for assistance is waived for any program participant admitted into PSH funded by the CoC program one-year from the date of the issuance of the waiver so long as (1) the intake-staff records observations of disability in the client file at time of application; or (2) the individual seeking assistance provides written certification that they have a qualifying disability is provided at time of application. This waiver may be used for program participants affected by the disaster, even if they are residing outside of the disaster area.

Nature of Requirement: 24 CFR 578.103(a) requires recipient to maintain records providing evidence they met program requirements and 24 CFR 578.103(a)(4)(i)(B) establishes the requirements for documenting disability for individuals and families that meet the ''chronically homeless'' definition in 24 CFR 578.3. Acceptable evidence of disability includes intake-staff recorded observations of disability no later than 45 days from the date of application for assistance, which is confirmed and accompanied by evidence in paragraphs 24 CFR 578.103(a)(4)(i)(B)(1), (2), (3), or (5). HUD is waiving the requirement to obtain additional evidence to confirm staff-recorded observations of disability.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: September 18, 2023.

Reason Waived: Waiving the requirement to obtain additional evidence of disability as provided in 24 CFR 578.103(a)(4)(i)(B)(4)) as specified above will allow recipient to house people impacted by Hurricane Idalia by relying on intake staff-recorded observations of disability or a written self-certification by the program participant. This will help individuals and families with disabilities to expeditiously receive needed housing assistance when paperwork from the Social Security Administration or medical professionals cannot be quickly obtained.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

Mega-Waiver for Hurricane Idalia—ESG

On September 18, 2023, Principal Deputy Assistant Secretary Marion McFadden issued a memorandum offering waivers of certain statutory and regulatory requirements associated with several Community Planning and Development (CPD) grant programs to address damage and facilitate recovery from Hurricane Idalia covered by a major disaster declaration under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), DR–4734–FL, dated August 31, 2023, and as may be amended (the ''declared-disaster areas''). The following summarizes the waivers available for ESG Program Recipients.

ESG—Term Limits on Rental Assistance and Housing Relocation and Stabilization Services

• *Regulation:* 24 CFR 576.106(a); 24 CFR 576.105(a)(5); 24 CFR 576.105(c); and 24 CFR 576.105(b)(2) Term limits on Rental Assistance and Housing Relocation and Stabilization Services

Project/Activity: The 24-month limits on rental assistance and housing relocation and stabilization services are waived for individuals and families who meet both of the following criteria: (1) the individual or family lives in a declared-disaster area or was displaced from a declared-disaster area as a result of Hurricane Idalia; and (2) the individual or family is currently receiving rental assistance or housing relocation stabilization services or begins receiving rental assistance or housing relocation and stabilization services within two years after the date of the issuance of the waiver. For these individuals and families, ESG funds may be used to provide up to 36 consecutive months of rental assistance, utility payments, and housing stability case management, in addition to the 30 days of housing stability case management that may be provided before the move into permanent housing under 24 CFR 576.105(b)(2). HUD will also consider further waiver requests to allow assistance to be provided for longer than three years, if the recipient demonstrates good cause.

Nature of Requirement: The ESG regulation at 24 CFR 576.106(a) prohibits a program participant from receiving more than 24 months of ESG rental assistance during any 3-year period. Section 576.105(a)(5) prohibits a program participant from receiving more than 24 months of utility payments under ESG during any 3-year period. Section 576.105(b)(2) limits the provision of housing stability case management to 30 days while the program participant is seeking permanent housing and 24 months while the program participant is living in permanent housing.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: September 18, 2023.

Reason Waived: Waiving the 24-month caps on rental assistance, utility payments, and housing stability case management assistance will assist individuals and families, both those already receiving assistance and those who will receive assistance subsequent to the date of the issuance of the waiver to maintain stable permanent housing in place or in another area and help them return to their hometowns, as desired, when additional permanent housing is available.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

ESG—Restriction of Rental Assistance to Units With Rent at or Below Fair Market Rent (FMR)

• *Regulation:* 24 CFR 576.106(d)(1).

Project/Activity: The FMR restriction is waived for any rent amount that takes effect during the two-year period beginning on the date of the issuance of the waiver for any individual or family who is renting or executes a lease for a unit in a declared-disaster area. However, the affected recipients and their subrecipients must still ensure that the units in which ESG assistance is provided to these individuals and families meet the rent reasonableness standard. HUD will consider requests to waive the FMR restriction for rent amounts that take effect after the two-year period, if a recipient demonstrates good cause.

Nature of Requirement: Under 24 CFR 576.106(d)(1), rental assistance cannot be provided unless the total rent is equal to or less than the FMR established by HUD, as provided under 24 CFR part 888, and complies with HUD's standard of rent

reasonableness, as established under 24 CFR 982.507.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: September 18, 2023.

Reason Waived: HUD granted this waiver to enable ESG recipients to meet the critical housing needs of individuals and families whose housing was damaged or who were displaced as a result of Hurricane Idalia. Waiving the FMR restriction will make more units available to individuals and families in need of permanent housing.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

ESG—Housing Standards

• *Regulation:* 24 CFR 576.403(c).

Project/Activity: The ESG housing standards at 24 CFR 576.403(c) are waived for units in the declared disaster area that are or will be occupied by individuals or families eligible for ESG Rapid Re-housing or Homelessness Prevention assistance, provided that: 1. Each unit must still meet applicable state and local standards; 2. Each unit must be free of life-threatening conditions as defined in Notice PIH 2017–20 (HA); and 3. Recipients must make sure all units in which program participants are assisted meet the ESG housing standards within 60 days of the date of the issuance of the waiver.

Nature of Requirement: If ESG funds are used to help a program participant remain in or move into housing, the housing must meet the minimum habitability standards provided in 24 CFR 576.403(c).

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: September 18, 2023.

Reason Waived: This waiver is needed to enable ESG recipients to expeditiously meet the critical housing needs of many eligible individuals and families in the declared disaster area.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

ESG—Shelter Standards

• *Regulation:* 24 CFR 576.403(b).

Project/Activity: The ESG shelter standards at 24 CFR 576.403(b) are waived for shelters in the declared disaster area that are or will be occupied by individuals and families eligible for ESG emergency shelter assistance, provided that: (1) Each shelter must meet applicable state and local standards; (2) Each shelter must be free of life-threatening conditions defined in Notice PIH 2017–20 (HA); and (3) Recipients ensure that these shelters

Nature of Requirement: If ESG funds are used for shelter operations costs, the shelter must meet the minimum safety, sanitation and privacy standards under 24 CFR 576.403(b). If ESG funds are used to convert a building into a shelter, rehabilitation a shelter, or otherwise renovate a shelter, the shelter must meet the minimum safety, sanitation, and privacy standards in 24 CFR 576.403(b) as well as applicable state or local government safety and sanitation standards.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: September 18, 2023.

Reason Waived: This waiver is needed to enable ESG recipients to expeditiously meet the critical emergency shelter needs of many eligible individuals and families in the declared disaster area.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

ESG—Limited Waiver of 24-Month Expenditure Deadline for Rapid Re-Housing and Homelessness Prevention Assistance and Related Administrative and HMIS Costs

• *Regulation:* 24 CFR 576.203(b).

Project/Activity: The expenditure deadline is waived only for costs of providing homelessness prevention and rapid re-housing assistance to individuals and families under the flexibility provided by ESG waivers on term limits on rental assistance and housing relocation and stabilization services; restriction of rental assistance to units with rent at or below FMR; assisting program participants with subleases; and reasonable HMIS and administrative costs related to that assistance. In addition, no expenditure may be made or charged to any grant on or after the date Treasury closes the relevant account as provided by 31 U.S.C. 1552.

Nature of Requirement: Section 576.203(b) of the ESG regulations requires all expenditures under an ESG grant to be made within 24 months after the date HUD signs the grant agreement with the recipient. For purposes of this requirement, expenditure means either an actual cash disbursement for a direct charge for a good or service or an indirect cost, or the accrual of a direct charge for a good or service or an indirect cost.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: September 18, 2023.

Reason Waived: Providing a limited waiver of the expenditure deadline for costs of providing homelessness prevention and rapid re-housing assistance to individuals and families will support recipients' ability to assist individuals and families as provided by other ESG program waivers related to this disaster.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

ESG—Assisting Program Participants With Subleases

• *Regulation:* 24 CFR 576.105 and 24 CFR 576.106.

Project/Activity: The requirements in 24 CFR 576.105 and 576.106 are waived to the extent that the references to ''owner'' and ''lease'' in 24 CFR 576.105 and 576.106 restrict an individual or family from receiving assistance in a unit they rent from the primary leaseholder, provided that all of the following criteria are met: 1. The individual or family lives in the declared-disaster area or was displaced from the declared-disaster area as a result of Hurricane Idalia; 2. The individual or family is currently receiving ESG-funded rental assistance as the leaseholder or housing relocation stabilization services or begins receiving rental assistance or housing relocation stabilization services within two years after the date of the issuance of the waiver; 3. The individual or family chooses to rent a unit through a legally valid sublease or lease with the primary leaseholder for the unit; and 4. The recipient has developed written policies to apply the requirements of 24 CFR 576.105, 24 CFR 576.106, 24 CFR 576.409, and 24 CFR 576.500(h) with respect to that program participant by reading the references to ''owner'' and ''housing owner'' to apply to the primary leaseholder and reading the references to ''lease'' to apply to the program participant's sublease or lease with the primary leaseholder.

Nature of Requirement: The use of ''owner'' and ''lease'' in 24 CFR 576.105 and 576.106 prohibit program participants from receiving rental assistance under 24 CFR 576.106 and certain services under 24 CFR 576.105 with respect to units that program participants rent from a person other than the owner or the owner's agent. Justification: By increasing the permissible housing options for program participations, this waiver would allow the recipient to meet the critical housing needs of more eligible individuals and families in the declared disaster area.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: September 18, 2023.

Reason Waived: By increasing the permissible housing options for program participations, this waiver would allow the recipient to meet the critical housing needs of more eligible individuals and families in the declared disaster area.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

CoC Waivers

• *Regulation:* 24 CFR 578.75(b)(1).

Nature of Requirement: Regulations at 24 CFR 578.75(b)(1) require that the recipient or subrecipient must physically inspect each unit to assure that the unit meets HQS prior to providing assistance on behalf of the program participant.

Requesting organization: Housing Authority of the City of Los Angeles and Los Angeles County Development Authority

Grants Affected:

CA0335L9D002114
CA0336L9D002114
CA0783L9D002113
CA0916L9D002112
CA0917L9D002112
CA1220L9D002109
CA0407L9D002114
CA1594L9D002105
CA1341L9D002107
CA1491L9D002106
CA0391L9D002114
CA0392L9D002114
CA0395L9D002114
CA0324L9D002109
CA0393L9D002114
CA0405L9D002114
CA0862L9D002107
CA1500L9D002106
CA1337L9D002107
CA1106L9D002106
CA1340L9D002107
CA1492L9D002106
CA1689L9D002104
CA0997L9D002106
CA0420L9D002114
CA1217L9D002109
CA1504L9D002207
CA1343L9D002208
CA1344L9D002208
CA0519L9D002215
CA0923L9D002213
CA1109L9D002206
CA1503L9D002207
CA1341L9D002208
CA1491L9D002207
CA0391L9D002215
CA0392L9D002215
CA0395L9D002215
CA1224L9D002109
CA0328L9D002108
CA0798L9D002113
CA1339L9D002107
CA0473L9D002114
CA0799L9D002113
CA0996L9D002107
CA1049L9D002111
CA1050L9D002111
CA0329L9D002108
CA0474L9D002114
CA0995L9D002106
CA1595L9D002105
CA1490L9D002106
CA1112L9D002106
CA0519L9D002114
CA0923L9D002112
CA0335L9D002215
CA0336L9D002215
CA0783L9D002214
CA0916L9D002213
CA0917L9D002213
CA1220L9D002210
CA0407L9D002215
CA1594L9D002206
CA1219L9D002210
CA0465L9D002215
CA0339L9D002215
CA0792L9D002214
CA0998L9D002207
CA0742L9D002215
CA1112L9D002207
CA1502L9D002106
CA1503L9D002106
CA1504L9D002106
CA1505L9D002106
CA1596L9D002105
CA0324L9D002210
CA1500L9D002207
CA1337L9D002208
CA1106L9D002207
CA1340L9D002208
CA1492L9D002207
CA1689L9D002205
CA0997L9D002207
CA0420L9D002215
CA0920L9D002213
CA0438L9D002215
CA0444L9D002215
CA0445L9D002215
CA1110L9D002207
CA0464L9D002215
CA0797L9D002214
CA1051L9D002212
CA1217L9D002210
CA1224L9D002210
CA0798L9D002214
CA1339L9D002208
CA0473L9D002215
CA0799L9D002214
CA0996L9D002208
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CA1050L9D002212
CA1342L9D002208
CA1159L9D002211
CA1505L9D002207
CA1218L9D002210
CA1158L9D002211
CA1157L9D002211
CA1159L9D002110
CA1218L9D002109
CA1219L9D002109
CA1342L9D002107
CA1343L9D002107
CA1344L9D002107
CA0393L9D002215
CA0339L9D002114
CA0365L9D002114
CA0421L9D002114
CA0465L9D002114
CA0742L9D002114
CA0792L9D002113
CA0800L9D002113
CA0860L9D002107
CA0913L9D002112
CA0914L9D002112
CA0915L9D002112
CA0998L9D002106
CA1046L9D002111
CA1104L9D002105
CA1109L9D002105
CA1157L9D002110
CA1158L9D002110
CA0920L9D002112
CA0438L9D002114
CA0444L9D002114
CA0445L9D002114
CA1110L9D002106
CA0464L9D002114
CA0797L9D002113
CA1051L9D002111
CA1046L9D002212
CA0329L9D002209
CA0474L9D002215
CA0995L9D002207
CA1595L9D002206
CA1490L9D002207
CA1597L9D002105
CA1687L9D002104
CA1688L9D002104
CA0365L9D002215
CA0914L9D002213
CA0405L9D002215

Project/Activity: Homelessness in Los Angeles County is at crisis levels with over 66,000 unsheltered individuals as of the last regional homeless count in early 2022. Unsheltered individuals have a significantly increased risk of mortality; the LA Times reported that an average of five people experiencing homelessness died on the streets of LA each day in 2022. The Mayor of the City of Los Angeles and the Los Angeles County Board of Supervisors declared states of emergency on homelessness for their jurisdictions and are seeking ways to house individuals and families experiencing homelessness as quickly as possible. The inspection process for units currently takes approximately two weeks and can prevent individuals from leasing-up apartments given the tight rental market.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: September 1, 2023.

Reason Waived: Waiving the requirement for an initial unit inspection assists people experiencing homelessness to move into housing in an expedient manner and is crucial to ending the homelessness crisis in Los Angeles.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

- *Regulation:* 24 CFR 578.103(a)(7).

Nature of Requirement: Regulations at 24 CFR 578.103(a)(7) require that, for each program participant who receives housing assistance where rent or an occupancy charge is paid by the program participant, the recipient or subrecipient must collect and keep documentation of the program participant's income. The regulation establishes an order of preference for the type of documentation that recipients or subrecipients can rely on.

Requesting Organization: Housing Authority of the City of Los Angeles and Los Angeles County Development Authority.

Grants Affected:

CA0335L9D002114
CA0336L9D002114
CA0783L9D002113
CA0916L9D002112
CA0917L9D002112
CA1220L9D002109
CA0407L9D002114
CA1594L9D002105
CA1341L9D002107
CA1491L9D002106
CA0391L9D002114
CA0392L9D002114
CA0395L9D002114
CA1224L9D002109
CA0328L9D002108
CA0798L9D002113
CA1339L9D002107
CA0473L9D002114
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CA0996L9D002107
CA1049L9D002111
CA1050L9D002111
CA0329L9D002108
CA0474L9D002114
CA0995L9D002106
CA1595L9D002105
CA1500L9D002207
CA1337L9D002208
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CA1492L9D002207
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CA0997L9D002207
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CA0339L9D002114
CA0365L9D002114
CA0421L9D002114
CA0465L9D002114
CA0742L9D002114
CA0792L9D002113
CA0800L9D002113
CA0860L9D002107
CA0913L9D002112
CA0914L9D002112
CA0915L9D002112
CA0998L9D002106
CA1046L9D002111

CA0324L9D002109	CA1490L9D002106	CA0464L9D002215	CA1104L9D002105
CA0393L9D002114	CA1112L9D002106	CA0797L9D002214	CA1109L9D002105
CA0405L9D002114	CA0519L9D002114	CA1051L9D002212	CA1157L9D002110
CA0862L9D002107	CA0923L9D002112	CA1217L9D002210	CA1158L9D002110
CA1500L9D002106	CA0335L9D002215	CA1224L9D002210	CA0920L9D002112
CA1337L9D002107	CA0336L9D002215	CA0798L9D002214	CA0438L9D002114
CA1106L9D002106	CA0783L9D002214	CA1339L9D002208	CA0444L9D002114
CA1340L9D002107	CA0916L9D002213	CA0473L9D002215	CA0445L9D002114
CA1492L9D002106	CA0917L9D002213	CA0799L9D002214	CA1110L9D002106
CA1689L9D002104	CA1220L9D002210	CA0996L9D002208	CA0464L9D002114
CA0997L9D002106	CA0407L9D002215	CA1049L9D002212	CA0797L9D002113
CA0420L9D002114	CA1594L9D002206	CA1050L9D002212	CA1051L9D002111
CA1217L9D002109	CA1219L9D002210	CA1342L9D002208	CA1046L9D002212
CA1504L9D002207	CA0465L9D002215	CA1159L9D002211	CA0329L9D002209
CA1343L9D002208	CA0339L9D002215	CA1505L9D002207	CA0474L9D002215
CA1344L9D002208	CA0792L9D002214	CA1218L9D002210	CA0995L9D002207
CA0519L9D002215	CA0998L9D002207	CA1158L9D002211	CA1595L9D002206
CA0923L9D002213	CA0742L9D002215	CA1157L9D002211	CA1490L9D002207
CA1109L9D002206	CA1112L9D002207	CA1159L9D002110	CA1597L9D002105
CA1503L9D002207	CA1502L9D002106	CA1218L9D002109	CA1687L9D002104
CA1341L9D002208	CA1503L9D002106	CA1219L9D002109	CA1688L9D002104
CA1491L9D002207	CA1504L9D002106	CA1342L9D002107	CA0365L9D002215
CA0391L9D002215	CA1505L9D002106	CA1343L9D002107	CA0914L9D002213
CA0392L9D002215	CA1596L9D002105	CA1344L9D002107	CA0405L9D002215
CA0395L9D002215	CA0324L9D002210	CA0393L9D002215	

Project/Activity: The preferred method of documenting income is source documentation. If source documents are unobtainable, a written statement by the relevant third party or the written certification of the recipient's or subrecipient's intake staff of the relevant third party's oral verification of the income the program participant received over the most recent period is required. Regulations allow that, to the extent that source documents and third-party verification are unobtainable, the program participant can self-certify their anticipated income for the next three months. The requirement at 24 CFR 578.103(a)(7) to first seek source documentation and third-party verification of income is waived for existing grants with the grant numbers listed to allow the recipients to self-certify the income the program participant expects to receive over the 3-month period.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: September 1, 2023.

Reason Waived: Individuals experiencing homelessness are unlikely to have the required documentation for annual income readily available and this documentation can be difficult to obtain quickly. Waiving the requirement to first seek source documentation and third-party verification of income will streamline the annual income process, allowing HACLA and LACDA to house individuals more quickly.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

Fair Market Rent (FMR) Cap on Rent Paid with Leasing Funds

• *Regulation:* 24 CFR 578.49(b)(2).

Nature of Requirement: CoC Program regulations at 24 CFR 578.49(b)(2) states, ''When grants are used to pay rent for individual housing units, the rent paid must be reasonable in relation to rents being charged for comparable units, taking into account the location, size, type, quality, amenities, facilities, and management services. In addition, the rents may not exceed rents currently being charged for comparable units, and the rent paid may not exceed HUD-determined fair market rents.''

Requesting Organization: St. Vincent's Medical Center.

Grants Affected: CT0083L1E032215 and CT0041L1E032215.

Project/Activity: Regulations at 24 CFR 578.49(b)(2) require that leasing funds used to pay rent may not exceed the HUD-determined fair market rent in place at the time of lease execution. The above organization requested a waiver of the FMR requirements at 24 CFR 578.49(b)(2) so that it may provide CoC Program Permanent Supportive Housing assistance to program participants in housing units with rents that exceed the FMR amount for the Bridgeport, CT Metro Area but meet the reasonable rent standards. This waiver is necessary because the Bridgeport service area continues to see inflationary increases in housing costs, resulting in the lack of safe affordable rental options. Additionally, existing leases are seeing rent increases that exceed FMR at lease renewal.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: September 1, 2023.

Reason Waived: The organization sufficiently documented the recipient's inability to adequately house program participants under the current rental market conditions within the Bridgeport, CT HUD Metropolitan area using current FMR restrictions. The organization may use leasing funds to pay 100% of the cost of rent for units with gross rents that exceed HUD established FMR rates, so long as the gross rent reasonable rent standards are met.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

ESG Waivers

A. Extension of ESG–CV Expenditure Deadline

• *Regulation:* Section V.A.1 of Notice CPD–22–06.

Requestor: Allegheny County.

Project/Activity: HUD granted a waiver of the September 30, 2023, deadline that Section V.A.1 of Notice CPD–22–06 established for completing all ESG–CV expenditures, except for certain closeout-related expenditures and expenditures of reallocated ESG–CV amounts, in the September 27, 2023 memorandum: Allegheny County's Request for Waiver of ESG–CV Expenditure Deadline Established by Notice CPD–22–06, Section V.A.1. HUD waived the applicable requirements to the extent necessary to specify an alternative requirement that the recipient shall expend all ESG–CV funding by December 31, 2023.

Nature of Requirement: Section V.A.1 of Notice CPD–22–06 established a deadline of September 30, 2023 for completing all ESG–CV expenditures, except for certain closeout-related expenditures and expenditures of reallocated ESG–CV amounts.

Granted By: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: September 27, 2023.

Reason Waived: Waiving the September 30, 2023 expenditure deadline is necessary to prevent, prepare for, and respond to coronavirus, because the rate of COVID–19 infections has increased dramatically in the past several weeks in Allegheny County and is projected to increase through the fall. The recipient's emergency shelter renovation project is needed to add 25 new emergency

shelter beds for individuals experiencing unsheltered homelessness within the community.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

Extension of ESG–CV Expenditure Deadline

• *Regulation:* Section V.A.1 of Notice CPD–22–06.

Requestor: State of California.

Project/Activity: HUD granted a waiver of the September 30, 2023, deadline that Section V.A.1 of Notice CPD–22–06 established for completing all ESG–CV expenditures, except for certain closeout-related expenditures and expenditures of reallocated ESG–CV amounts, in the September 29, 2023 memorandum: State of California's Request for Waiver of ESG–CV Expenditure Deadline Established by Notice CPD–22–06, Section V.A.1. HUD waived the applicable requirements to the extent necessary to specify an alternative requirement that the recipient shall expend all ESG–CV funding by June 30, 2024.

Nature of Requirement: Section V.A.1 of Notice CPD–22–06 established a deadline of September 30, 2023 for completing all ESG–CV expenditures, except for certain closeout-related expenditures and expenditures of reallocated ESG–CV amounts.

Granted By: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: September 29, 2023.

Reason Waived: Waiving the September 30, 2023 expenditure deadline is necessary to prevent, prepare for, and respond to coronavirus, not only because of the increasing number of coronavirus infections and hospitalizations in the State of California, but also because of the 6 percent rise in homelessness in the State from 2020 through 2022.

Contact: Norm Suchar, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7262, Washington, DC 20410, telephone (202) 708–4300.

II. Regulatory Waivers Granted by the Office of Housing—Federal Housing Administration (FHA)

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

• *Regulation:* 24 CFR 200.54(b) Property Development, 2023.

Project/Activity: Extension of Partial Waiver of Requirement of 24CFR 200.54(b)—Multifamily Loan Disbursements.

Nature of Requirement: The regulation requires A partial waiver of the ''. . . *must be disbursed in full* . . .'' requirement is necessary for the covered projects to allow mortgagees to securitize the initial draw contemporaneously with borrower equity funding to establish the mortgage-backed security and fulfill investor trade agreements. The initial FHA-insured draw cannot not exceed one half percent (0.5%) of the initially endorsed loan amount. In practice, this initial draw is typically $25,000. The Department requires, in 24 CFR 200.54(b), that ''*funds provided by the mortgagor under requirements of this section must be disbursed in full for project work, material, and incidental charges and expenses before disbursement of any mortgage proceeds.* . . .'' Essentially, borrower equity is required to be fully disbursed before the disbursement of any mortgage proceeds. Typically, all borrower equity is already disbursed prior to Loan proceeds, as part of the initial draw. For certain projects, the amount of Borrower equity exceeds the amount of the initial draw to be disbursed at time of endorsement. This presents a timing challenge because disbursing the equity as construction activity occurs will take up to two months and mortgage draw activity must be postponed in the meantime.

Granted By: Julia R. Gordon, Assistant Secretary for Housing—Federal Housing Commissioner, Office of Housing.

Date Granted: July 5, 2023.

Reason Waived: The extension continues the waiver of the requirement that an agreement acceptable to the Commissioner shall require that funds provided by the mortgagor must be disbursed in full for project work, material, and incidental charges, and expenses before disbursement of any mortgage proceeds. This partial waiver is being issued to allow the timely issuance of securities guaranteed by the Government National Mortgage Association and is limited to projects insured under Sections 213 and 221(d)(4) of the National Housing Act. Without the partial waiver, lenders may be unable to securitize loans or may be forced to implement unusual and burdensome servicing practices to maintain compliance with the regulation. The contract between mortgage lender and investor has affirmative delivery dates; the initial securitized draw cannot be delayed or contingent on borrower equity disbursements.

Contact: Willie Fobbs III, Director, Office of Multifamily Production, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 6134, Washington, DC 20410, telephone (202) 402–6257.

• *Regulation:* 24 CFR 242.72.

Project/Activity: Onslow County Hospital Authority.

Nature of Requirement: 24 CFR 242.72 prohibits the leasing of a hospital by a proposed borrower that seeks insurance through the FHA's Section 242 program.

Granted By: Julia R. Gordon, Assistant Secretary for Housing—Federal Housing Commissioner, Office of Housing.

Date Granted: August 11, 2023.

Reason Waived: Through its Lender, Onslow County Healthcare Authority (OCHA), located in Jacksonville, North Caroline, applied for Section 241 supplemental mortgage insurance. OCHA leases property to Onslow Memorial Hospital (the Hospital), to operate a 162-bed general acute care hospital. A Regulatory Waiver 24 CFR § 242.72 is required to close the proposed loan because OCHA is the Borrower and owns the hospital facility, but does not operate the facility.

The waiver is necessary and appropriate in this narrow case, as the Hospital and OCHA are closely related entities (the Hospital is a component unit of OCHA). The two entities are functionally the same (with the same management team and Board of Directors). The Office of General Counsel has reviewed this request and has concurred. Legal documents signed at closing will include controls and protections that guard against the risk of lease arrangements. The Office of Healthcare Programs is comfortable allowing the waiver due to the relationship between OCHA and the Hospital, the creation of the appropriate legal documents, as well as the strength and history of OCHA and the Hospital. OCHA has one outstanding Section 242 loan, closed in 2006, using this same structure.

Contact: Paul Giaudrone, Underwriting Director, Office of Hospital Facilities, Office of Healthcare Programs, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Washington DC 20410, telephone (202) 402–5684.

• *Regulation:* 24 CFR 290.30(a).

Project/Activity: The owner of O'Fallon Place 1A Apartments, located in St. Louis, Missouri requests HUD approval of the note sale of two underlying HUD-held mortgages secured by the project to Missouri Housing Development Corporation (MHDC), a unit of local government, on a non-competitive, negotiated basis.

Nature of Requirement: HUD is required to sell HUD-held Notes on a competitive basis pursuant to 24 CFR 290.30(a). However, as an exception to this requirement, 24 CFR 290.31(a)(2), permits ''negotiated'' sales to state of local governments for current mortgages securing subsidized projects, provided that loans are sold with FHA insurance.

Granted By: Julia R. Gordon, Assistant Secretary for Housing—Federal Housing Commissioner, Office of Housing.

Date Granted: August 10, 2023.

Reason Waived: To facilitate the sale of the two HUD-held Notes a waiver of 24 CFR 290.30(a), which requires the HUD-held multifamily mortgages to be sold competitively, is needed. This waiver will allow HUD to accept the non-competitive bid made by MHDC and will allow the pay-off of the HUD-held Notes to facilitate the continued redevelopment of the project. Further, granting this waiver will ensure that the Department obtains payment in full of the HUD-held Notes and the preservation of this affordable housing. The waiver of 24 CFR 290.30(a) does not violate any statutory requirements, and the review findings constitute good cause for the waiver, as required by 24 CFR 5.110.

Contact: Thomas R. Davis, Director of Office of Recapitalization, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 6228, Washington, DC 20410, telephone (202) 402–7549.

• *Regulation:* 24 CFR 880.608.

Project/Activity: The owner requested a waiver of 24 CFR 880.608 in order to enable

the owner to participate in a 3-year study conducted by Fannie Mae to assess whether tenant payment of a security deposit has any effect on property performance.

Nature of Requirement: An owner participating in certain project-based Section 8 rental assistance programs administered by the Office of Housing must require the payment of a security deposit by each family selected to reside in an assisted unit, at the time of initial execution of the lease.

Granted By: Julia R. Gordon, Assistant Secretary for Housing—Federal Housing Commissioner, Office of Housing.

Date Granted: July 31, 2023.

Reason Waived: The Office of Housing found that it is in the public interest to allow for a time-limited study that will generate a data-driven assessment of the effects on tenants, owners, and properties from relieving tenants of the burden of paying a security deposit. The waiver covers 64 properties.

Contact: Jennifer Lavorel, Director, Office of Asset Management Portfolio Oversite, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 6180, Washington DC 20410, telephone (202) 402–2515.

III. Regulatory Waivers Granted by the Office of Public and Indian Housing

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

Regulation: 24 CFR 5.801(d)(1) and 24 CFR 902.62(a)(3).

Nature of Requirement: The regulation establishes certain reporting compliance dates. In accordance with 24 CFR 5.801(d)(1), agencies are to submit their audited financial statements no later than nine months after the fiscal year end, otherwise agencies receive a late presumptive failure (LPF) score of zero pursuant to 24 CFR 902.62(a)(3).

Project/Activity: Richmond Redevelopment & Housing Authority (RRHA).

Granted By: Richard Monocchio, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: July 20, 2023.

Reason Waived: HUD granted RRHA additional time to submit its audited financial statements due to unforeseen circumstances. HUD granted RRHA anadditional 92 days from the due date of June 30, 2023, and has until September 30, 2023, to complete and submit its FYE September 30, 2022, audited financial information to the Department without receiving an LPF score.

Contact: Lara Philbert, Housing Programs Specialist, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Washington DC 20410, telephone (202) 475–8930.

• *Regulation:* 24 CFR 905.400(i)(5)(i).

Nature of Requirement: 24 CFR 905.400(i)(5)(i), requires that PHAs use RHF grant funds only for the development of public housing units. Consequently, RHF cannot be used to renovate vacant public housing units or for any modernization unless the Department grants a waiver of 24 CFR 905.400(i)(5)(i) for good cause.

Project/Activity: New York City Housing Authority (NYCHA).

Granted By: Richard Monocchio, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: August 28, 2023.

Reason Waived: HUD found that the funds available were inadequate to develop new public housing units within the expenditure deadline and NYCHA's proposed alternative use for this funding will meet important modernization needs at these public housing properties. HUD approved NYCHA's request for a waiver of 24 CFR 905.400(i)(5)(i) for the use of RHF funds to pay for modernization work.

Contact: David Fleishman, Housing Programs Specialist, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4148, Washington DC 20410, telephone (202) 402–2071.

• *Regulation:* 24 CFR 5.801(d)(1) and 24 CFR 902.62(a)(3).

Nature of Requirement: The regulation establishes certain reporting compliance dates. In accordance with 24 CFR 5.801(d)(1), agencies are to submit their audited financial statements no later than nine months after the fiscal year end, otherwise agencies receive a late presumptive failure (LPF) score of zero pursuant to 24 CFR 902.62(a)(3).

Project/Activity: DuPage Housing Authority (DHA).

Granted By: Richard Monocchio, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: September 13, 2023.

Reason Waived: DHA indicates that its previous auditor abruptly quit without written notification. The newly contracted auditor, cannot complete the HUD audit by the deadline. HUD granted DHA until September 30, 2023, to submit its audited financial information to the Department.

Contact: Lara Philbert, Housing Programs Specialist, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Washington DC 20410, telephone (202) 475–8930.

• *Regulation:* 24 CFR 5.801(d)(1) and 24 CFR 902.62(a)(3).

Nature of Requirement: The regulation establishes certain reporting compliance dates. In accordance with 24 CFR 5.801(d)(1), agencies are to submit their audited financial statements no later than nine months after the fiscal year end, otherwise agencies receive a late presumptive failure (LPF) score of zero pursuant to 24 CFR 902.62(a)(3).

Project/Activity: Northern Marianas Housing Corporation (TQ901).

Granted By: Richard Monocchio, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: September 13, 2023.

Reason Waived: NMHC indicates that its previous auditor unexpectedly withdrew from the FY 2022 audit engagement and its new auditor cannot complete and submit audited financial information to HUD by the due date. NMHC is requesting additional time due to this unforeseen circumstance. HUD granted an additional 123 days from the due date of June 30, 2023, and has until October 31, 2023, for NMHC to complete and submit its audited financial information for the FYE September 31, 2022, to the Department.

Contact: Lara Philbert, Housing Programs Specialist, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Washington DC 20410, telephone (202) 475–8930.

• *Regulation:* 24 CFR 5.801(d)(1).

Nature of Requirement: The regulation establishes certain reporting compliance dates. In accordance with 24 CFR 5.801(d)(1), agencies are to submit their audited financial statements no later than nine months after the fiscal year end.

Project/Activity: Potter County Housing and Redevelopment Authority (PCHRA).

Granted By: Richard Monocchio, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: September 13, 2023.

Reason Waived: PCHRA had to hire a new auditor suddenly due to unforeseen circumstances. HUD granted an additional 183 days, and has until September 30, 2023, to complete and submit its FYE June 30, 2022, audited financial information to the Department.

Contact: Lara Philbert, Housing Programs Specialist, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410, telephone (202) 475–8930.

• *Regulation:* 24 CFR 5.801(d)(1) and 24 CFR 902.62(a)(3).

Nature of Requirement: The regulation establishes certain reporting compliance dates. In accordance with 24 CFR 5.801(d)(1), agencies are to submit their audited financial statements no later than nine months after the fiscal year end, otherwise agencies receive a late presumptive failure (LPF) score of zero pursuant to 24 CFR 902.62(a)(3).

Project/Activity: Pinal County Housing Authority (AZ010).

Granted By: Richard Monocchio, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: September 13, 2023.

Reason Waived: PCHA indicates that its financial responsibilities have been delayed due to an unexpected staff change and its audit will not be complete by March 31, 2023. HUD granted PCHA until September 30, 2023, to complete and submit its audited financial information to the Department.

Contact: Lara Philbert, Housing Programs Specialist, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410, telephone (202) 475–8930.

• *Regulation:* 24 CFR 905.322(b)(1)(ii).

Nature of Requirement: Per 24 CFR 905.322(b)(1)(ii), the Actual Modernization Cost Certificate (AMCC) for each grant is due no later than 12 months after the expenditure deadline, but no earlier than the obligation end date.

Project/Activity: Housing Authority of the City of Decatur (HACD).

Granted By: Richard Monocchio, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: August 16, 2023.

Reason Waived: HUD determined that HACD's request provided good cause for a waiver to submit the AMCC earlier than the obligation end date, and as such, approves a waiver of 24 CFR 905.322(b)(1)(ii) for HACD.

Contact: David Fleishman, Housing Programs Specialist, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4148, Washington, DC 20410, telephone (202) 402–2071.

- *Regulation:* 24 CFR 983.301(f)(2)(ii); 24 CFR 982.517.

Nature of Requirement: 24 CFR 982.517 requires that a housing authority maintain a utility allowance schedule for all tenant-paid utilities, and the utility allowance schedule must be determined based on the typical cost of utilities and services paid by energy-conservation households that occupy units of similar size and type in the same locality. 24 CFR 983.301(f)(2)(ii) requires that housing authorities may not establish or apply different utility allowance amounts for the project-based voucher (PBV) program, and that the same housing authority utility allowance schedule applies to both tenant-based and PBV programs.

Project/Activity: New Bedford Housing Authority (NBHA).

Granted By: Richard Monocchio, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: August 3, 2023.

Reason Waived: HUD determined that there is good cause to waive the regulation as the utility allowance under the HCV program would discourage conservation and lead to inefficient use of HAP funds.

Contact: Nathaniel Johnson, Housing Programs Specialist, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410, telephone (202) 402–2071.

- *Regulation:* 24 CFR 1000.336(d).

Nature of Requirement: The regulation states that the deadline for submitting a challenge to the Census data used in computing the FY 2025 IHBG formula allocation is March 30, 2024.

Project/Activity: Indian Housing Block Grant (IHBG).

Granted By: Richard Monocchio, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: September 19, 2023.

Reason Waived: The IHBG regulation at 24 CFR 1000.336(d) requires that Tribes and Tribally Designated Housing Entities (TDHEs) submit documentation supporting Census challenges by March 30th to be considered for the upcoming fiscal year allocation. However, the Census data used for computing the FY 2025 IHBG formula allocation will not be available until September 29, 2023, which is 120 days after the June 1, 2023, standard deadline for distributing this data to Tribes and TDHEs. As such, good cause exists to provide additional time for Tribes and TDHEs to accommodate the delay in data. Therefore, a waiver of the Census Challenge deadline and an extension of the deadline to July 29, 2024, were granted to provide Tribes and TDHEs with a similar amount of time as they had in prior fiscal years to review their Census data.

Contact: Heidi Frechette, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4148, Washington, DC 20410, telephone (202) 402–2071, *Heidi.Frechette@hud.gov.*

- *Regulation:* 24 CFR 5.801(d)(1) and 24 CFR 902.62(a)(3).

Nature of Requirement: The regulation establishes certain reporting compliance dates. In accordance with 24 CFR 5.801(d)(1), agencies are to submit their audited financial statements no later than nine months after the fiscal year end, otherwise agencies receive a late presumptive failure (LPF) score of zero pursuant to 24 CFR 902.62(a)(3).

Project/Activity: Housing Authority of the City of St. Albans (HACS).

Granted By: Richard Monocchio, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: September 28, 2023.

Reason Waived: HACS stated that after Executive Director turnover, issues were identified surrounding the files, maintenance, resident relations, computers, and health and safety hazards. Therefore, HACS was granted an additional 92 days from the due date of September 30, 2023. HACS was granted until December 31, 2023, to complete and submit its FYE December 31, 2022, audited financial information to the Department without receiving an LPF.

Contact: Lara Philbert, Housing Programs Specialist, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410, telephone (202) 475–8930.

- *Regulation:* 24 CFR 982.505(c)(4) Increase in Payment Standard During Housing Assistance Payment (HAP) Contract Term.

Nature of Requirement: PHAs may request an extension of the option to increase the payment standard for the family at any time after the effective date of the increase, rather than waiting for the next regular reexamination.

Project/Activity: Notice PIH 2022–30 Extension of Certain Regulatory Waivers for the Housing Choice Voucher (including Mainstream) Program and Streamlined Review Process.

Granted By: Dominique Blom, General Deputy Assistant for Public and Indian Housing.

Reason Waived: Under Notice PIH 2022–30, PHAs can apply for certain regulatory waivers that were originally offered as part of the CARES Act waivers in Notice PIH 2021–14 to provide flexibility during the pandemic recovery. HUD expeditiously responded to these waiver requests in accordance with Section 106 of the Department of Housing and Urban Development Reform Act of 1989.

Contact: Tesia Anyanaso, Office of Field Operations/Coordination and Compliance Division, Office of Public and Indian Housing, 451 Seventh Street SW, Suite 3180, Washington, DC 20410, or email *PIH_Expedited_Waivers@hud.gov.*

Code	PHA name	Extension approved
AR004	Housing Authority of the City of Little Rock	7/25/2023
CO049	Lakewood Housing Authority	8/1/2023
FL005	Miami-Dade Housing Agency	8/16/2023
FL139	Winter Haven Housing Authority	7/7/2023
IL101	DuPage Housing Authority	8/1/2023
IN002	Vincennes Housing Authority	9/20/2023
IN037	Mount Vernon Housing Authority	7/25/2023
IN080	Housing Authority of the City of Noblesville	9/20/2023
MA022	Malden Housing Authority	8/16/2023
MA075	Reading Housing Authority	7/25/2023
MA085	Amherst Housing Authority	8/25/2023
NJ099	Bloomfield Township HA	8/1/2023
NM050	Housing Authority of the County of Santa Fe	7/25/2023
NY001	Syracuse Housing Authority	8/1/2023
OH042	Geauga Metropolitan Housing Authority	7/25/2023
TX027	McKinney Housing Authority	9/20/2023
TX062	Edinburg Housing Authority	8/1/2023
UT021	St. George Housing Authority	9/25/2023
VA018	Franklin Redevelopment And Housing Authority	8/11/2023
VA025	Suffolk Redevelopment And Housing Authority	7/25/2023
VT005	Barre Housing Authority	9/20/2023

Code	PHA name	Extension approved
WA054	HA of Pierce County	8/25/2023
WI214	Dane County Housing Authority	9/25/2023
WV005	Housing Authority of the City of Parkersburg	7/25/2023

• *Regulation:* 24 CFR 982.503(b) Voucher Tenancy: New Payment Standard Amount.

Nature of Requirement: PHAs may request an extension of expedited waiver(s) to allow for establishment of payment standards from 111 to 120 percent of the FMR.

Project/Activity: Notice PIH 2022–30 Extension of Certain Regulatory Waivers for the Housing Choice Voucher (including Mainstream) Program and Streamlined Review Process.

Granted By: Dominique Blom, General Deputy Assistant for Public and Indian Housing.

Reason Waived: Under Notice PIH 2022–30, PHAs can apply for certain regulatory waivers that were originally offered as part of the CARES Act waivers in Notice PIH 2021–14 to provide flexibility during the pandemic recovery. HUD expeditiously responded to these waiver requests in accordance with Section 106 of the Department of Housing and Urban Development Reform Act of 1989.

Contact: Tesia Anyanaso, Office of Field Operations/Coordination and Compliance Division, Office of Public and Indian Housing, 451 Seventh Street SW, Suite 3180, Washington, DC 20410, or email *PIH_Expedited_Waivers@hud.gov.*

PHAs:

Code	PHA name	2023 extension approved
AR004	Housing Authority of the City of Little Rock	7/25/2023
CO040	Delta Housing Authority	8/25/2023
CO049	Lakewood Housing Authority	8/1/2023
FL005	Miami-Dade Housing Agency	8/16/2023
FL071	Lake Wales Housing Authority	9/29/2023
FL139	Winter Haven Housing Authority	7/25/2023
IA130	Upper Explorer land Regional Housing Authority	8/16/2023
IL101	DuPage Housing Authority	8/1/2023
IL107	Housing Authority of the City of North Chicago, IL	8/16/2023
IN037	Mount Vernon Housing Authority	7/25/2023
IN080	Housing Authority of the City of Noblesville	9/20/2023
MA022	Malden Housing Authority	8/16/2023
MA075	Reading Housing Authority	7/25/2023
MA085	Amherst Housing Authority	8/25/2023
MO037	Housing Authority of the City of West Plains	9/20/2023
NJ099	Bloomfield Township HA	8/1/2023
NJ212	Hamilton Township HA	7/25/2023
NM020	Housing Authority of the City of Truth Or Consequences	7/25/2023
NM050	Housing Authority of the County of Santa Fe	7/25/2023
NY001	Syracuse Housing Authority	8/1/2023
OH042	Geauga Metropolitan Housing Authority	7/25/2023
PA024	Easton Housing Authority	9/21/2023
PA026	Housing Auth Co of Lawrence	9/6/2023
SC911	SC State Housing Authority	9/20/2023
TX027	McKinney Housing Authority	9/20/2023
TX062	Edinburg Housing Authority	8/1/2023
TX072	The Housing Authority of the City of Gainesville	9/6/2023
UT009	Davis Community Housing Authority	9/20/2023
UT016	Housing Authority of Carbon County	9/6/2023
UT021	St. George Housing Authority	9/25/2023
VA017	Hampton Redevelopment & Housing Authority	7/25/2023
VA018	Franklin Redevelopment And Housing Authority	8/11/2023
VA025	Suffolk Redevelopment And Housing Authority	7/25/2023
VT005	Barre Housing Authority	9/20/2023
WA054	HA of Pierce County	8/25/2023
WI214	Dane County Housing Authority	9/25/2023
WV005	Housing Authority of the City of Parkersburg	7/25/2023

• *Regulation:* 24 CFR 990.145(b) Public housing dwelling units with approved vacancies.

Project/Activity: HUD published FR–6301–N–01: Regulatory and Administrative Requirement Waivers and Flexibilities Available to HUD Public Housing and Section 8 During CY 2022 and CY 2023 to Public Housing Agencies to Assist with Recovery and Relief Efforts on Behalf of Families Affected by Presidentially Declared Disasters.

Granted By: Dominique Blom, General Deputy Assistant for Public and Indian Housing.

Reason Waived: HUD established an expedited process for waivers and flexibilities from regulatory and administrative requirements during Presidentially Declared Disasters (PDDs). To respond to PDDs, HUD establishes an expedited process for the review of waiver requests and flexibilities for calendar years (CY) 2022 and 2023, for Public Housing Agencies (PHAs) located within PDDs (PDD PHAs).

Contact: Tesia Anyanaso, Office of Field Operations/Coordination and Compliance Division, Office of Public and Indian Housing 451 Seventh Street SW, Suite 3180, Washington, DC 20410, or email *PIH_Disaster_Relief@hud.gov.*

PHA	Date signed
Hawaii Public Housing Authority	9/18/2023

• *Regulation:* 24 CFR 5.801 Uniform Financial Reporting.

Project/Activity: HUD published FR–6301–N–01: Regulatory and Administrative Requirement Waivers and Flexibilities Available to HUD Public Housing and Section 8 During CY 2022 and CY 2023 to Public Housing Agencies to Assist with Recovery and Relief Efforts on Behalf of Families Affected by Presidentially Declared Disasters.

Granted By: Dominique Blom, General Deputy Assistant for Public and Indian Housing

Reason Waived: HUD established an expedited process for waivers and flexibilities from regulatory and administrative requirements during Presidentially Declared Disasters (PDDs). To respond to PDDs, HUD establishes an expedited process for the review of waiver requests and flexibilities for calendar years (CY) 2022 and 2023, for Public Housing Agencies (PHAs) located within PDDs (PDD PHAs).

Contact: Tesia Anyanaso, Office of Field Operations/Coordination and Compliance Division, Office of Public and Indian Housing, 451 Seventh Street SW, Suite 3180, Washington, DC 20410, or email *PIH_Disaster_Relief@hud.gov.*

PHA	Date signed
Hawaii Public Housing Authority	9/18/2023

• *Regulation:* 24 CFR 902 Public Housing Assessment.

Project/Activity: HUD published FR–6301–N–01: Regulatory and Administrative Requirement Waivers and Flexibilities Available to HUD Public Housing and Section 8 During CY 2022 and CY 2023 to Public Housing Agencies to Assist with Recovery and Relief Efforts on Behalf of Families Affected by Presidentially Declared Disasters.

Granted By: Dominique Blom, General Deputy Assistant for Public and Indian Housing.

Reason Waived: HUD established an expedited process for waivers and flexibilities from regulatory and administrative requirements during Presidentially Declared Disasters (PDDs). To respond to PDDs, HUD establishes an expedited process for the review of waiver requests and flexibilities for calendar years (CY) 2022 and 2023, for Public Housing Agencies (PHAs) located within PDDs (PDD PHAs).

Contact: Tesia Anyanaso, Office of Field Operations/Coordination and Compliance Division, Office of Public and Indian Housing, 451 Seventh Street SW, Suite 3180, Washington, DC 20410, or email *PIH_Disaster_Relief@hud.gov.*

PHA	Date Signed
Hawaii Public Housing Authority	9/18/2023
Live Oak Housing Authority	9/29/2023

• *Regulation:* 24 CFR 905.322(b) Fiscal Closeout.

Project/Activity: HUD published FR–6301–N–01: Regulatory and Administrative Requirement Waivers and Flexibilities Available to HUD Public Housing and Section 8 During CY 2022 and CY 2023 to Public Housing Agencies to Assist with Recovery and Relief Efforts on Behalf of Families Affected by Presidentially Declared Disasters.

Granted By: Dominique Blom, General Deputy Assistant for Public and Indian Housing

Reason Waived: HUD established an expedited process for waivers and flexibilities from regulatory and administrative requirements during Presidentially Declared Disasters (PDDs). To respond to PDDs, HUD establishes an expedited process for the review of waiver requests and flexibilities for calendar years (CY) 2022 and 2023, for Public Housing Agencies (PHAs) located within PDDs (PDD PHAs).

Contact: Tesia Anyanaso, Office of Field Operations/Coordination and Compliance Division, Office of Public and Indian Housing, 451 Seventh Street SW, Suite 3180, Washington, DC 20410, or email *PIH_Disaster_Relief@hud.gov.*

PHA	Date signed
Hawaii Public Housing Authority	9/18/2023

• *Regulation:* 24 CFR 905.314 (b) –(c) (Cost and Other Limitations; Maximum Project Cost; TDC Limit).

Project/Activity: HUD published FR–6301–N–0:1 Regulatory and Administrative Requirement Waivers and Flexibilities Available to HUD Public Housing and Section 8 During CY 2022 and CY 2023 to Public Housing Agencies to Assist with Recovery and Relief Efforts on Behalf of Families Affected by Presidentially Declared Disasters.

Granted By: Dominique Blom, General Deputy Assistant for Public and Indian Housing.

Reason Waived: HUD established an expedited process for waivers and flexibilities from regulatory and administrative requirements during Presidentially Declared Disasters (PDDs). To respond to PDDs, HUD establishes an expedited process for the review of waiver requests and flexibilities for calendar years (CY) 2022 and 2023, for Public Housing Agencies (PHAs) located within PDDs (PDD PHAs).

Contact: Tesia Anyanaso, Office of Field Operations/Coordination and Compliance Division, Office of Public and Indian Housing, 451 Seventh Street SW, Suite 3180, Washington, DC 20410, or email *PIH_Disaster_Relief@hud.gov.*

PHA	Date signed
Hawaii Public Housing Authority	9/18/2023

• *Regulation:* 24 CFR 905.314(j) (Cost and Other Limitations; Types of Labor).

Project/Activity: HUD published FR–6301–N–01: Regulatory and Administrative Requirement Waivers and Flexibilities Available to HUD Public Housing and Section 8 During CY 2022 and CY 2023 to Public Housing Agencies to Assist with Recovery and Relief Efforts on Behalf of Families Affected by Presidentially Declared Disasters.

Granted By: Dominique Blom, General Deputy Assistant for Public and Indian Housing.

Reason Waived: HUD established an expedited process for waivers and flexibilities from regulatory and administrative requirements during Presidentially Declared Disasters (PDDs). To respond to PDDs, HUD establishes an expedited process for the review of waiver requests and flexibilities for calendar years (CY) 2022 and 2023, for Public Housing Agencies (PHAs) located within PDDs (PDD PHAs).

Contact: Tesia Anyanaso, Office of Field Operations/Coordination and Compliance Division, Office of Public and Indian Housing, 451 Seventh Street SW, Suite 3180, Washington, DC 20410, or email *PIH_Disaster_Relief@hud.gov.*

PHA	Date signed
Hawaii Public Housing Authority	9/18/2023

• *Regulation:* 24 CFR 960.202(c)(1) Tenant Selection Policies.

Project/Activity: HUD published FR–6301–N–01: Regulatory and Administrative Requirement Waivers and Flexibilities Available to HUD Public Housing and Section 8 During CY 2022 and CY 2023 to Public Housing Agencies to Assist with Recovery and Relief Efforts on Behalf of Families Affected by Presidentially Declared Disasters.

Granted By: Dominique Blom, General Deputy Assistant for Public and Indian Housing

Reason Waived: HUD established an expedited process for waivers and flexibilities from regulatory and administrative requirements during Presidentially Declared Disasters (PDDs). To respond to PDDs, HUD establishes an expedited process for the review of waiver requests and flexibilities for calendar years (CY) 2022 and 2023, for Public Housing Agencies (PHAs) located within PDDs (PDD PHAs).

Contact: Tesia Anyanaso, Office of Field Operations/Coordination and Compliance Division, Office of Public and Indian Housing, 451 Seventh Street SW, Suite 3180, Washington, DC 20410, or email *PIH_Disaster_Relief@hud.gov.*

PHA	Date signed
County of Maui Housing Authority	9/18/2023

• *Regulation:* 24 CFR 982.206(a) (2) Waiting List; Opening and Closing; Public Notice.

Project/Activity: HUD published FR–6301–N–01: Regulatory and Administrative Requirement Waivers and Flexibilities Available to HUD Public Housing and Section 8 During CY 2022 and CY 2023 to Public Housing Agencies to Assist with Recovery and Relief Efforts on Behalf of Families Affected by Presidentially Declared Disasters.

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PHA	Date signed
Hawaii Public Housing Authority ..	9/18/2023

• *Regulation:* 24 CFR 982.503(c) (HUD approval of exception payment standard amount).

Project/Activity: HUD published FR–6301–N–01: Regulatory and Administrative Requirement Waivers and Flexibilities Available to HUD Public Housing and Section 8 During CY 2022 and CY 2023 to Public Housing Agencies to Assist with Recovery and Relief Efforts on Behalf of Families Affected by Presidentially Declared Disasters.

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PHA	Date signed
Hawaii Public Housing Authority ..	9/18/2023
County Maui Housing Authority	9/18/2023

• *Regulation:* 24 CFR 982.401(d) Housing Quality Standards; Space and Security.

Project/Activity: HUD published FR–6301–N–01: Regulatory and Administrative Requirement Waivers and Flexibilities Available to HUD Public Housing and Section 8 During CY 2022 and CY 2023 to Public Housing Agencies to Assist with Recovery and Relief Efforts on Behalf of Families Affected by Presidentially Declared Disasters.

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PHA	Date signed
Hawaii Public Housing Authority ..	9/18/2023
County of Maui Housing Authority	9/18/2023

• *Regulation:* 24 CFR 984.303(d) Contract of Participation: Contract Extension.

Project/Activity: HUD published FR–6301–N–01: Regulatory and Administrative Requirement Waivers and Flexibilities Available to HUD Public Housing and Section 8 During CY 2022 and CY 2023 to Public Housing Agencies to Assist with Recovery and Relief Efforts on Behalf of Families Affected by Presidentially Declared Disasters.

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PHA	Date signed
Hawaii Public Housing Authority ..	9/18/2023
County of Maui Housing Authority	9/18/2023

• *Regulation:* 24 CFR 985 (SEMAP).

Project/Activity: HUD published FR–6301–N–01: Regulatory and Administrative Requirement Waivers and Flexibilities Available to HUD Public Housing and Section 8 During CY 2022 and CY 2023 to Public Housing Agencies to Assist with Recovery and Relief Efforts on Behalf of Families Affected by Presidentially Declared Disasters.

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PHA	Date signed
County of Hawaii	9/18/2023
Hawaii Public Housing Authority ..	9/18/2023

• *Regulation:* Notice PIH 2018–24, Section 8 (c) Verification of Social Security Notice (SSN).

Project/Activity: HUD published FR–6301–N–01: Regulatory and Administrative Requirement Waivers and Flexibilities Available to HUD Public Housing and Section 8 During CY 2022 and CY 2023 to Public Housing Agencies to Assist with Recovery and Relief Efforts on Behalf of Families Affected by Presidentially Declared Disasters.

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PHA	Date signed
Hawaii Public Housing Authority ..	9/18/2023
County of Maui Housing Authority	9/18/2023

• *Regulation:* 24 CFR 970.15(b)(1)(ii) Specific Criteria for HUD Approval of Demo Request.

Project/Activity: HUD published FR–6301–N–01: Regulatory and Administrative Requirement Waivers and Flexibilities Available to HUD Public Housing and Section 8 During CY 2022 and CY 2023 to Public Housing Agencies to Assist with Recovery and Relief Efforts on Behalf of Families Affected by Presidentially Declared Disasters.

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PHA	Date signed
Hawaii Public Housing Authority ..	9/18/2023

• *Regulation:* 24 CFR 970.15(b) (2) Specific Criteria for HUD Approval of Demo Request.

Project/Activity: HUD published FR–6301–N–01: Regulatory and Administrative Requirement Waivers and Flexibilities Available to HUD Public Housing and Section 8 During CY 2022 and CY 2023 to Public Housing Agencies to Assist with Recovery and Relief Efforts on Behalf of Families Affected by Presidentially Declared Disasters.

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PHA	Date signed
Hawaii Public Housing Authority ..	9/18/2023

[FR Doc. 2024–07956 Filed 4–16–24; 8:45 am]

BILLING CODE 4210–67–P

FEDERAL REGISTER

Vol. 89 Wednesday,
No. 75 April 17, 2024

Part V

The President

Notice of April 16, 2024—Continuation of the National Emergency and of the Emergency Authority Relating to the Regulation of the Anchorage and Movement of Russian-Affiliated Vessels to United States Ports

Federal Register
Vol. 89, No. 75
Wednesday, April 17, 2024

Presidential Documents

Title 3—

The President

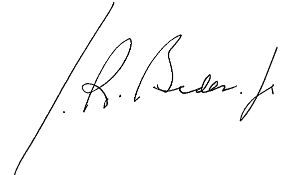
Notice of April 16, 2024

Continuation of the National Emergency and of the Emergency Authority Relating to the Regulation of the Anchorage and Movement of Russian-Affiliated Vessels to United States Ports

On April 21, 2022, by Proclamation 10371, I declared a national emergency by reason of a disturbance or threatened disturbance of international relations of the United States and authorized the Secretary of Homeland Security to regulate the anchorage and movement of Russian-affiliated vessels, pursuant to the National Emergencies Act (50 U.S.C. 1601 *et seq.*) and section 1 of title II of Public Law 65–24, ch. 30, June 15, 1917, as amended (Magnuson Act) (46 U.S.C. 70051).

The policies and actions of the Government of the Russian Federation to continue the premeditated, unjustified, unprovoked, and brutal war against Ukraine continue to constitute a national emergency by reason of a disturbance or threatened disturbance of international relations of the United States. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to the Russian Federation and the emergency authority relating to the regulation of the anchorage and movement of Russian-affiliated vessels to United States ports set out in Proclamation 10371.

This notice shall be published in the *Federal Register* and transmitted to the Congress.



THE WHITE HOUSE,
April 16, 2024.

[FR Doc. 2024–08421
Filed 4–16–24; 12:30 pm]
Billing code 3395–F4–P

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Wednesday, April 17, 2024

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