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# Contents

**Federal Register**

Vol. 89, No. 39

Tuesday, February 27, 2024

## **Agriculture Department**

*See* Commodity Credit Corporation

## **Air Force Department**

### **NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 14453–14454

## **Army Department**

### **NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 14454–14455

## **Centers for Disease Control and Prevention**

### **NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 14501–14504

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

Agency Forms Undergoing Paperwork Reduction Act Review, 14498–14501

## **Children and Families Administration**

### **NOTICES**

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

Tribal Child Support Enforcement Direct Funding Requests, 14504–14505

## **Civil Rights Commission**

### **NOTICES**

Hearings, Meetings, Proceedings, etc.:

Pennsylvania Advisory Committee, 14430

Wyoming Advisory Committee, 14430–14431

## **Commerce Department**

*See* Economic Development Administration

*See* Industry and Security Bureau

*See* International Trade Administration

*See* National Oceanic and Atmospheric Administration

*See* Patent and Trademark Office

## **Commodity Credit Corporation**

### **RULES**

Dairy Margin Coverage Production History Adjustment and Program Extension, 14372–14376

## **Defense Department**

*See* Air Force Department

*See* Army Department

*See* Navy Department

### **NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 14455–14461

Hearings, Meetings, Proceedings, etc.:

Defense Policy Board, 14457–14458

## **Economic Development Administration**

### **NOTICES**

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

Workforce System Metrics, 14431–14432

## **Education Department**

### **NOTICES**

Applications for New Awards:

Alaska Native and Native Hawaiian-Serving Institutions Program, Part A, 14463–14469

## **Energy Department**

*See* Federal Energy Regulatory Commission

### **NOTICES**

Importation or Exportation of Liquefied Natural Gas or Electric Energy; Applications, Authorizations, etc.:

Powerex Corp., 14469–14470

## **Environmental Protection Agency**

### **RULES**

Air Quality State Implementation Plans; Approvals and Promulgations:

California; San Joaquin Valley Air Pollution Control District, 14412–14415

### **NOTICES**

Clean Air Act Operating Permit Program:

Petition for Objection to State Operating Permit for Covanta Delaware Valley LP, Delaware Valley Resource Recovery, 14486–14487

Hearings, Meetings, Proceedings, etc.:

California State Nonroad Engine Pollution Control Standards; In-Use Locomotive Regulation; Requests for Authorization, 14484–14486

Pesticide Program Dialogue Committee, 14487

Pesticide Product Registration:

Applications for New Active Ingredients (January 2024), 14483–14484

## **Export-Import Bank**

### **NOTICES**

Privacy Act; Systems of Records, 14487–14490

## **Federal Aviation Administration**

### **RULES**

Airspace Designations and Reporting Points:

Hawaiian Islands, 14379–14382

Maple Lake, MN, 14383–14384

Spanish Fork Municipal Airport/Woodhouse Field,

Spanish Fork, UT, 14382–14383

Vicinity of Kodiak Island, 14384–14385

Airworthiness Directives:

Robinson Helicopter Company Helicopters, 14377–14379

### **PROPOSED RULES**

Airspace Designations and Reporting Points:

Dixon, IL, 14426–14427

Saginaw, MI, 14424–14426

Turlock Municipal Airport, Turlock, CA, 14423–14424

Airworthiness Directives:

Leonardo S.p.a. Helicopters, 14417–14422

### **NOTICES**

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

Aging Aircraft Program (Widespread Fatigue Damage), 14555

**Federal Communications Commission****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 14490–14494

Charter Amendments, Establishments, Renewals and Terminations:

Federal Advisory Committee Act; Communications Security, Reliability, and Interoperability Council, 14494–14495

**Federal Energy Regulatory Commission****NOTICES**

Application:

PE Hydro Generation, LLC, 14470–14471, 14475

Public Utility District No. 1 of Chelan County, WA, 14477

Combined Filings, 14472, 14477–14479

Environmental Assessments; Availability, etc.:

Consumers Energy Co., 14480–14481

Filing:

Constellation Energy Generation; Safe Harbor Water Power Corp.; BIF III Holtwood, LLC, 14475–14476

PE Hydro Generation, LLC, 14472–14473

Hearings, Meetings, Proceedings, etc.:

Enterprise Texas Pipeline LLC, Acadian Gas Pipeline System, Enterprise Intrastate LLC; Technical Conference, 14480

Initial Market-Based Rate Filings Including Requests for Blanket Section 204 Authorizations:

Alton Post Office Solar, LLC, 14473–14474

Aron Energy Prepay 34 LLC, 14471–14472

Aron Energy Prepay 35 LLC, 14481

Aron Energy Prepay 36 LLC, 14474

Foxglove Solar Project, LLC, 14482–14483

Prescott Wind Energy LLC, 14473

Russellville Solar LLC, 14481–14482

SR Ailey, LLC, 14478–14479

SR Toombs Lessee, LLC, 14480

SR Toombs, LLC, 14482

Permits; Applications, Issuances, etc.:

Pumped Hydro Storage LLC, 14483

Waiver Period for Water Quality Certification Application: Idaho Power Co., 14482

**Federal Highway Administration****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 14555–14556

**Federal Maritime Commission****NOTICES**

Complaint:

20230930–DK–BUTTERFLY–1, Inc. F/K/A Bed Bath and Beyond Inc., Complainant v. Evergreen Line Joint Service Agreement (FMC #011982) Consisting of Evergreen Marine Corp. (Taiwan) Ltd.; et al., 14495–14496

Controlled Carriers under the Shipping Act, 14495

**Federal Procurement Policy Office****NOTICES**

Hearings, Meetings, Proceedings, etc.:

Cost Accounting Standards Board Agenda, 14523

**Federal Reserve System****NOTICES**

Change in Bank Control:

Acquisitions of Shares of a Bank or Bank Holding Company, 14496

Formations of, Acquisitions by, and Mergers of Bank Holding Companies, 14496–14497

**Fish and Wildlife Service****NOTICES**

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

Online Program Management System for Carbon Dioxide-Carp, 14515–14517

**Food and Drug Administration****RULES**

New Animal Drugs:

Approval of New Animal Drug Applications; Withdrawal of Approval of New Animal Drug Applications; Change of Sponsor; Change of Sponsor Address, 14407–14412

**NOTICES**

Patent Extension Regulatory Review Period: Rybrevant, 14505–14507

**General Services Administration****NOTICES**

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

Combating Trafficking in Persons, 14497–14498

**Geological Survey****NOTICES**

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

Ferrous Metals Surveys, 14517–14518

**Health and Human Services Department**

*See Centers for Disease Control and Prevention*

*See Children and Families Administration*

*See Food and Drug Administration*

*See Health Resources and Services Administration*

*See National Institutes of Health*

**Health Resources and Services Administration****NOTICES**

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

Ryan White HIV/AIDS Program Core Medical Services Waiver Form, 14507–14508

**Homeland Security Department****RULES**

Privacy Act, 14369–14372

**NOTICES**

Hearings, Meetings, Proceedings, etc.:

President's National Infrastructure Advisory Council, 14514

**Housing and Urban Development Department****NOTICES**

Expansion and Proposed Restructuring of the Digital Opportunity Demonstration Program, 14515

**Industry and Security Bureau****RULES**

Additions of Entities to the Entity List, 14385–14403

Additions of Entities, Revisions of Entries, and Removal of an Entity from the Entity List, 14403–14407

**Institute of Museum and Library Services****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:  
 Generic Clearance to Conduct Pre-Testing of Surveys, 14526–14527  
 National Leadership Grants for Libraries and the Laura Bush 21st Century Librarian Program Notices of Funding Opportunity, 14525–14526

**Interior Department**

*See* Fish and Wildlife Service

*See* Geological Survey

**NOTICES**

Hearings, Meetings, Proceedings, etc.:  
 Invasive Species Advisory Committee, 14518–14519  
 Requests for Nominations:  
 Invasive Species Advisory Committee, 14519–14520

**Internal Revenue Service****NOTICES**

Hearings, Meetings, Proceedings, etc.:  
 Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee, 14558  
 Taxpayer Advocacy Panel Taxpayer Communications Project Committee, 14557–14558  
 Taxpayer Advocacy Panel's Notices and Correspondence Project Committee, 14559  
 Taxpayer Advocacy Panel's Special Projects Committee, 14558  
 Taxpayer Advocacy Panel's Tax Forms and Publications Project Committee, 14560  
 Taxpayer Advocacy Panel's Toll-Free Phone Lines Project Committee, 14559  
 Superfund Tax on Chemical Substances:  
 Request to Modify List of Taxable Substances; Notice of Filing for Iso-butanol, 14558–14559

**International Trade Administration****NOTICES**

Antidumping or Countervailing Duty Investigations, Orders, or Reviews:  
 Certain Metal Lockers and Parts Thereof from the People's Republic of China, 14432–14438  
 Request for Panel Review:  
 United States-Mexico-Canada Agreement, 14432

**Justice Department****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:  
 Fee Waiver Request, 14521

**Labor Department**

*See* Labor Statistics Bureau

**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:  
 Overhead and Gantry Cranes Standard, 14521–14522

**Labor Statistics Bureau****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 14522–14523

**Management and Budget Office**

*See* Federal Procurement Policy Office

**National Credit Union Administration****NOTICES**

Privacy Act; Systems of Records, 14523–14525

**National Foundation on the Arts and the Humanities**

*See* Institute of Museum and Library Services

**National Institutes of Health****NOTICES**

Hearings, Meetings, Proceedings, etc., 14513–14514  
 Hearings, Meetings, Proceedings, etc.:  
 Center for Scientific Review, 14508–14513  
 National Cancer Institute, 14513  
 National Heart, Lung, and Blood Institute, 14511  
 National Institute of Diabetes and Digestive and Kidney Diseases, 14510–14513

**National Oceanic and Atmospheric Administration****RULES**

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic:  
 2024 Recreational Closure for Golden Tilefish in the South Atlantic, 14415–14416  
 Fisheries off West Coast States:  
 West Coast Salmon Fisheries; Amendment 24 to the Pacific Coast Salmon Fishery Management Plan, 14416

**PROPOSED RULES**

Fisheries of the Exclusive Economic Zone:  
 Bering Sea and Aleutian Islands Crab Rationalization Program, 14427–14429

**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:  
 A Coastal Management Needs Assessment and Market Analysis for Financing Resilience, 14447–14449  
 Alaska Region Crab Permits, 14446–14447  
 Hearings, Meetings, Proceedings, etc.:  
 New England Fishery Management Council, 14447, 14449  
 Western Pacific Fishery Management Council, 14444–14446  
 Permits; Applications, Issuances, etc.:  
 Endangered and Threatened Species; Take of Anadromous Fish, 14438–14442  
 Taking or Importing of Marine Mammals:  
 Empire Wind Project, Offshore of New York, 14442–14444

**Navy Department****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 14461–14463

**Patent and Trademark Office****NOTICES**

Guidance:  
 Making a Proper Determination of Obviousness, 14449–14453

**Personnel Management Office****NOTICES**

Hearings, Meetings, Proceedings, etc.:  
 Civil Service Retirement System Board of Actuaries, 14527  
 Federal Prevailing Rate Advisory Committee, 14527–14528

**Postal Regulatory Commission****NOTICES**

New Postal Products, 14528

**Postal Service****NOTICES**

International Product Change:

Priority Mail Express International, Priority Mail  
International and First-Class Package International  
Service Agreement, 14528–14529

**Presidio Trust****NOTICES**

Privacy Act; Systems of Records, 14529–14533

**Railroad Retirement Board****NOTICES**

Hearings, Meetings, Proceedings, etc.:

Actuarial Advisory Committee with Respect to the  
Railroad Retirement Account, 14533

**Securities and Exchange Commission****NOTICES**

Order:

Review of Financial Accounting Standards Board  
Accounting Support Fee for 2024 under the  
Sarbanes-Oxley Act, 14533–14534

Self-Regulatory Organizations; Proposed Rule Changes:

Cboe BZX Exchange, Inc., 14534–14538  
Cboe C2 Exchange, Inc., 14538–14542  
Cboe EDGX Exchange, Inc., 14543–14547  
LCH SA, 14538

MEMX LLC, 14547–14550

Municipal Securities Rulemaking Board, 14552

The Nasdaq Stock Market LLC, 14550–14552

**Small Business Administration****NOTICES**

Disaster Declaration:

North Dakota, 14552–14553

**Social Security Administration****NOTICES**

Privacy Act; Systems of Records, 14553–14554

**State Department****NOTICES**

Culturally Significant Objects Imported for Exhibition:

Art and War in the Renaissance: The Battle of Pavia  
Tapestries, 14555

**Transportation Department**

*See* Federal Aviation Administration

*See* Federal Highway Administration

*See* Transportation Statistics Bureau

**Transportation Statistics Bureau****NOTICES**

Agency Information Collection Activities; Proposals,  
Submissions, and Approvals:  
Annual Tank Car Survey, 14556–14557

**Treasury Department**

*See* Internal Revenue Service

**Unified Carrier Registration Plan****NOTICES**

Meetings; Sunshine Act, 14560

---

**Reader Aids**

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

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**CFR PARTS AFFECTED IN THIS ISSUE**

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

**6 CFR**

5.....14369

**7 CFR**

1430.....14372

**14 CFR**

39.....14377

71 (4 documents) .....14379,  
14382, 14383, 14384

**Proposed Rules:**

39 (2 documents) .....14417,  
14420

71 (3 documents) .....14423,  
14424, 14426

**15 CFR**

744 (2 documents) .....14385,  
14403

**21 CFR**

510.....14407

520.....14407

522.....14407

524.....14407

529.....14407

556.....14407

558.....14407

**40 CFR**

52.....14412

**50 CFR**

622.....14415

660.....14416

**Proposed Rules:**

680.....14427

# Rules and Regulations

Federal Register

Vol. 89, No. 39

Tuesday, February 27, 2024

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

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

## DEPARTMENT OF HOMELAND SECURITY

### Office of the Secretary

#### 6 CFR Part 5

#### Privacy Act of 1974

**AGENCY:** Office of the Secretary, Department of Homeland Security.

**ACTION:** Final rule.

**SUMMARY:** The Department of Homeland Security (DHS or Department) is updating and clarifying its regulations related to the procedures for receiving Freedom of Information Act (FOIA) and Privacy Act of 1974 requests.

**DATES:** This final rule is effective March 28, 2024.

**FOR FURTHER INFORMATION CONTACT:** Mason Clutter, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528, (202) 343-1717, [Privacy@hq.dhs.gov](mailto:Privacy@hq.dhs.gov).

**SUPPLEMENTARY INFORMATION:** Specifically, DHS is updating Title 6, part 5, subsections 5.3(a)(2), 5.4(c), 5.21(a)(2), 5.21(a)(6), 5.22(c), and Appendix A to part 5.

#### I. Background

The Secretary of Homeland Security has authority under 5 U.S.C. 301, 552, and 552a, and 6 U.S.C. 112(e) to issue FOIA and Privacy Act regulations. That authority has been delegated to the Chief Privacy Officer of the Department pursuant to 6 U.S.C. 142 and DHS Del. No. 13001, Rev. 01 (June 2, 2020). The Department last updated its regulations under the FOIA and Privacy Act, 6 CFR part 5 on November 16, 2022 (87 FR 68599).

#### II. Discussion of Final Rule

This rule provides clarifying and procedural updates to Title 6, part 5, paragraphs 5.3(a)(2) and 5.21(a)(6), which provides instructions to requesters on how and where to make FOIA and Privacy Act (and Judicial

Redress Act (JRA) if applicable) requests for DHS records. Specifically, DHS is adding a reference to Appendix A to part 5 for requesters to know when and how to submit a request to DHS component FOIA Offices. Furthermore, DHS is providing additional instructions in those sections on how the DHS Privacy Office can assist a requester if the requester does not know which component may have responsive records.

In addition, DHS is updating Title 6, part 5, paragraphs 5.3(a)(2), 5.21(a)(2), 5.21(a)(6) by replacing the URL <https://www.dhs.gov/dhs-foia-request-submission-form> with the following URL <https://www.dhs.gov/foia>. DHS is updating Appendix A to part 5 “FOIA/ Privacy Act Offices of the Department of Homeland Security,” by replacing the electronic URL where individuals can submit requests by way of instructions from DHS’s FOIA website from <https://foiarequest.dhs.gov/> to <https://www.dhs.gov/foia>.

As background, the DHS Headquarters Privacy Office maintains the contract for a FOIA processing solution used by most DHS component FOIA Offices. The DHS Headquarters Privacy Office updated its FOIA processing solution in 2023 and is now utilizing new technology and software services in order to receive electronic submission via a new FOIA online portal. This solution includes several features that will lessen the administrative burden associated with FOIA and provide DHS processors access to powerful information processing tools that will make it significantly easier to locate and efficiently process records. As such, DHS has decided to change the URL in those subsections and the appendix to link to the new portal. Further, for clarity, a parenthetical “(or JRA if applicable)” was added in Section II of Appendix A to part 5 to clarify that such requests, in addition to FOIA and Privacy Act requests, may be made to those DHS components listed in that section.

In 6 CFR 5.4(c), DHS is changing the title of this paragraph to “Forwarding misdirected requests.” In addition, DHS is modifying subsection 5.4(c) to clarify when and how a misdirected request should be forwarded. A request is not a misdirected request if the receiving DHS component may maintain records responsive to any portion of the request.

This is true even if the request may cover records that are maintained by a different DHS component. Under such circumstances, the receiving DHS component is under no obligation to refer the request to a different DHS component or other Federal agency responsible for maintaining other records identified in the request. If another agency should have received the request, the DHS component can, but is not required, to advise the requester to send their request to that other agency.

Finally, DHS is revising 6 CFR 5.22(c) to modify the title of paragraph 5.22(c) and modify the subsection to include and clarify that any misdirected Privacy Act or Judicial Redress Act (JRA) requests must be forwarded under the same procedures of 6 CFR 5.4(c).

#### III. Regulatory History

DHS did not publish a notice of proposed rulemaking for this rule. Under Title 5 of the United States Code (U.S.C.), Section 553(b)(A), this final rule is exempt from notice and public comment rulemaking requirements because the change involves rules of agency organization, procedure, or practice. In addition, under 5 U.S.C. 553(b)(B), an agency may waive the notice and comment requirements if it finds, for good cause, that notice and comment is impracticable, unnecessary, or contrary to the public interest. DHS finds that notice and comment is unnecessary under 5 U.S.C. 553(b)(B) because the procedures for receiving FOIA and Privacy Act requests is an agency procedural update that will have no substantive effect on the public. For the same reasons, DHS finds that good cause exists under 5 U.S.C. 553(d) for making this final rule effective immediately upon publication.

#### IV. Regulatory Analyses

*Executive Orders 12866, 13563 and 14094—Regulatory Review*

Executive Orders 12866 (Regulatory Planning and Review), as amended by Executive Order 14094 (Modernizing Regulatory Review), and 13563 (Improving Regulation and Regulatory Review) 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 (including potential economic,



environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying costs and benefits, reducing costs, harmonizing rules, and promoting flexibility.

The Office of Management and Budget (OMB) has not designated this rule a significant regulatory action under section 3(f) of Executive Order 12866, as amended by Executive Order 14094. Accordingly, OMB has not reviewed this regulatory action.

This rule will not impose any additional costs on the public or the government. This rule provides an updated URL for requesters to submit a FOIA request and DHS is providing additional instructions how the DHS Privacy Office can assist a requester if the requester does not know which component may have responsive records. DHS believes the updates in these regulations will allow DHS to more efficiently process FOIA requests.

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

This rule will not result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no written statement was deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

#### *Regulatory Flexibility Act*

Under the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612, and section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 601 note, agencies must consider the impact of their rulemakings on “small entities” (small businesses, small organizations, and local governments). 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 RFA’s regulatory flexibility analysis requirements apply only to those rules for which an agency is required to publish a general notice of proposed rulemaking pursuant to 5 U.S.C. 553(b) or any other law. See 5 U.S.C. 604(a). DHS did not issue a notice of proposed rulemaking for this action. Therefore, a regulatory flexibility analysis is not required for this rule.

#### *Small Business Regulatory Enforcement Fairness Act of 1996*

This rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996 (as amended), 5 U.S.C. 804(2). The Office of Management and Budget’s Office of Information and Regulatory Affairs has not found that this rule is likely to result in an annual effect on the economy of \$100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

#### *National Environmental Policy Act*

DHS reviews proposed actions to determine whether the National Environmental Policy Act (NEPA) applies to them and, if so, what degree of analysis is required. DHS Directive 023–01 Rev. 01 (Directive) and Instruction Manual 023–01–001–01 Rev. 01 (Instruction Manual) establish the procedures that DHS and its components use to comply with NEPA and the Council on Environmental Quality (CEQ) regulations for implementing NEPA, 40 CFR parts 1500 through 1508.

The CEQ regulations require Federal agencies to establish, with CEQ review and concurrence, categories of actions (“categorical exclusions”) which experience has shown do not individually or cumulatively have a significant effect on the human environment and, therefore, do not require an Environmental Assessment (EA) or Environmental Impact Statement (EIS). 40 CFR 1501.4(a); 1507.3(c)(8). Under DHS NEPA implementing procedures, for an action to be categorically excluded, it must satisfy each of the following three conditions: (1) the entire action clearly fits within one or more of the categorical exclusions; (2) the action is not a piece of a larger action; and (3) no extraordinary circumstances exist that create the potential for a significant environmental effect. Instruction Manual section V.B(2)(a)–(c).

As discussed above, this rule makes clarifying and procedural updates to CFR Title 6, part 5, paragraphs 5.3(a)(2), 5.4(c), 5.21(a)(6), and 5.22(a) regarding requests for DHS records and, therefore, clearly fits within categorical exclusion A3(a): “Promulgation of rules . . . of a strictly administrative or procedural nature.” Instruction Manual, Appendix A, Table 1. Furthermore, this rule is not

part of a larger action and presents no extraordinary circumstances creating the potential for significant environmental impacts. Therefore, this rule is categorically excluded from further NEPA review and documentation.

#### **List of Subjects in 6 CFR Part 5**

Classified information, Courts, Freedom of information, Government employees, Privacy.

For the reasons stated in the preamble, DHS amends Chapter I, part 5 of Title 6, Code of Federal Regulations, as follows:

### **PART 5—DISCLOSURE OF RECORDS AND INFORMATION**

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

**Authority:** 6 U.S.C. 101 *et seq.*; Pub. L. 107–296, 116 Stat. 2135; 5 U.S.C. 301; 6 U.S.C. 142; DHS Del. No. 13001, Rev. 01 (June 2, 2020).

Subpart A also issued under 5 U.S.C. 552. Subpart B also issued under 5 U.S.C. 552a and 552 note.2.

- 2. Revise § 5.3(a)(2) to read as follows:

#### **§ 5.3 Requirements for making requests.**

(a) \* \* \*

(2) A requester may send their request to the Privacy Office, U.S. Department of Homeland Security, 2707 Martin Luther King Jr. Ave. SE, STOP–0655, or via the internet at <https://www.dhs.gov/foia>, or via fax to (202) 343–4011, for any of the Headquarters Offices of the Department of Homeland Security listed in Appendix A to Subpart 5. In addition, if a requester does not know which DHS component may maintain responsive records to a request, the requester may explicitly ask for assistance from the DHS Privacy Office with identifying the proper component that most likely maintains any potential responsive records. Upon a request for assistance and based on information provided in the FOIA request and by the requester, the Privacy Office will forward the request to the DHS component(s) that it determines to be most likely, as of the date of the request for information, to maintain the records that are sought. The Privacy Office will notify the requester that it is forwarding the request, including identifying the component(s) where the request has been sent, provide the FOIA Public Liaison contact information for the respective component(s), and provide administrative appeal rights in the response. If the requester does not agree with the Privacy Office’s determination regarding which components would likely have records responsive to the

request, the requester must submit a timely appeal of the Privacy Office's determination. Although these are not to be considered misdirected requests, the recipient DHS component shall be granted the same number of days to respond as permitted by 6 CFR 5.4(c) and 5.5(a).

\* \* \* \* \*

■ 3. Revise § 5.4(c) to read as follows:

**§ 5.4 Responsibility for responding to requests.**

\* \* \* \* \*

(c) *Forwarding misdirected requests.* Where a component's FOIA office determines that a request was misdirected within DHS, the receiving component's FOIA office, within 10 working days, shall route the request to the FOIA office of the proper component(s) for processing. Once the misdirected request has been forwarded and received by the appropriate DHS component, the 20-working day-time period to respond to the request commences, but in any event not later than 10 days after the request is first received by any DHS component that is designated in the DHS regulations to receive FOIA requests. A request is not a misdirected request if the receiving DHS component may maintain records responsive to any portion of the request. In other words, the receiving DHS component is not obligated to forward to other DHS components that may maintain responsive records unless those other DHS components are explicitly listed in the request.

\* \* \* \* \*

■ 4. Revise § 5.21(a)(2) and (a)(6) to read as follows:

**§ 5.21 Requests for access to records.**

(a) \* \* \*

(2) An individual may make a request for access to a Department of Homeland Security record about that individual covered by a DHS-wide or component system of records notice (SORN) by writing directly to the Department component that maintains the record at the address listed in appendix A to this part or via the internet at <https://www.dhs.gov/foia>. A description of all DHS-wide and component SORNs may be found here: <https://www.dhs.gov/system-records-notice-sorn>.

\* \* \*

(6) An individual may send a request to the Privacy Office, Mail Stop 0655, U.S. Department of Homeland Security, 2707 Martin Luther King Jr. Ave. SE, Washington, DC 20528-0655, or via the internet at <https://www.dhs.gov/foia>, or via fax to (202) 343-4011 for any of the Headquarters Offices of the Department

of Homeland Security listed Appendix A to Subpart 5. In addition, if a requester does not know which DHS component may maintain responsive records to a request, the requester may explicitly ask for assistance from the DHS Privacy Office with identifying the proper component that most likely maintains any potential responsive records citing this section of the regulations. Upon a request for assistance and based on information provided in the FOIA request and by the requester, the Privacy Office will forward the request to the DHS component(s) that it determines to be most likely, as of the date of the request for information, to maintain the records that are sought. The Privacy Office will notify the requester that it is forwarding the request, including identifying the component(s) where the request has been sent, provide the FOIA Public Liaison contact information for the respective component(s), and provide administrative appeal rights in the response. If the requester does not agree with the Privacy Office's determination regarding which components would likely have records responsive to the request, the requester must submit a timely appeal of the Privacy Office's determination. For the quickest possible handling, the requester should mark both the request letter and the envelope "Privacy Act Request" or "Judicial Redress Act Request."

\* \* \* \* \*

■ 5. Revise § 5.22(c) to read as follows:

**§ 5.22 Responsibility for responding to requests for access to records.**

\* \* \* \* \*

(c) *Misdirected requests, consultations, coordination, and referrals.* All misdirected requests and consultations, coordination, and referrals for requests of records subject to the Privacy Act or JRA will follow the same process and procedures as described in § 5.4(c) and § 5.4(d), including how to handle those requests that pertain to law enforcement information, as specified in § 5.4(d)(2), and classified information, as specified in § 5.4(d)(2) and (e). Further, whenever a request is made for access to a record containing information that has been classified by or may be appropriate for classification by another component or agency under any relevant Executive order concerning the classification of records, the receiving component will refer to § 5.24 for processing.

\* \* \* \* \*

■ 6. Revise Appendix A to Part 5 to read as follows:

**Appendix A to Part 5—FOIA/Privacy Act Offices of the Department of Homeland Security**

I. For Headquarters Offices of the Department of Homeland Security, FOIA and Privacy Act (or JRA if applicable) requests should either be mailed to the Department's Privacy Office, Mail Stop 0655, U.S. Department of Homeland Security, 2707 Martin Luther King Jr. Ave. SE, Washington, DC 20528-0655, or submitted electronically via <https://foiarequest.dhs.gov/>. For a listing of Headquarters Offices and contact information, please see <https://www.dhs.gov/foia-contact-information>. To help us respond to your request as quickly as possible, we strongly encourage you to submit your request electronically. Additional contact information for questions: Phone: 202-343-1743 or 866-431-0486, Fax: 202-343-4011, or Email: [foia@hq.dhs.gov](mailto:foia@hq.dhs.gov). The Public Liaison may also be contacted using this information.

II. For the following components and offices of the Department of Homeland Security, FOIA and Privacy Act (or JRA if applicable) requests should be sent to the component's FOIA Office, unless otherwise noted below. For each component, the Public Liaison may also be contacted using the information below. The components are:

*Cybersecurity and Infrastructure Security Agency (CISA)*

All requests should be either be mailed to the Department's Privacy Office, Mail Stop 0655, U.S. Department of Homeland Security, 2707 Martin Luther King Jr. Ave. SE, Washington, DC 20528-0655, or submitted electronically by way of instructions at <https://www.dhs.gov/foia-contact-information>. To help us respond to your request as quickly as possible, we strongly encourage you to submit your request electronically. Additional contact information for questions: Phone: 202-343-1743 or 866-431-0486, Fax: 202-343-4011, or Email: [CISAFIOA@hq.dhs.gov](mailto:CISAFIOA@hq.dhs.gov).

*U.S. Customs and Border Protection (CBP)*

All requests should be mailed to U.S. Customs and Border Protection, Office of Privacy and Diversity Office, 90 K Street NE, Mail Stop 1181, 9th Floor, Washington, DC 20002 or submitted electronically by way of instructions at <https://www.dhs.gov/foia-contact-information>. To help us respond to your request as quickly as possible, we strongly encourage you to submit your request electronically. Additional contact information for questions: Phone: 202-325-0150 or Email: [cbpfoiapublicliaison@cbp.dhs.gov](mailto:cbpfoiapublicliaison@cbp.dhs.gov).

*Federal Emergency Management Agency (FEMA)*

All requests should be mailed to FOIA Officer, 500 C Street SW, Room 840, Washington, DC 20472, or submitted electronically by way of instructions at <https://www.dhs.gov/foia-contact-information>. To help us respond to your request as quickly as possible, we strongly encourage you to submit your request electronically. Additional contact information for questions: Phone: 202-646-

3323, Fax: 202-646-3347, or Email: [fema-foia@fema.dhs.gov](mailto:fema-foia@fema.dhs.gov).

**Federal Law Enforcement Training Center (FLETC)**

All requests should be mailed to Freedom of Information Act Officer, Building #681, Suite B187, 1131 Chapel Crossing Road, Glico, GA 31524, or submitted electronically by way of instructions at <https://www.dhs.gov/foia-contact-information>. To help us respond to your request as quickly as possible, we strongly encourage you to submit your request electronically. Additional contact information for questions: Phone: 912-267-3103, Fax: 912-267-3113, or Email: [fletc-foia@dhs.gov](mailto:fletc-foia@dhs.gov).

**Immigration and Customs Enforcement (ICE)**

All requests should be mailed to Freedom of Information Act Office, 500 12th Street SW, Stop 5009, Washington, DC 20536-5009, or submitted electronically by way of instructions at <https://www.dhs.gov/foia-contact-information>. To help us respond to your request as quickly as possible, we strongly encourage you to submit your request electronically. Additional contact information for questions: Phone: 866-633-1182, Fax: 202-732-4265, or Email: [ice-foia@ice.dhs.gov](mailto:ice-foia@ice.dhs.gov).

**Office of Inspector General**

All requests should be mailed to the OIG Office of Counsel, 245 Murray Lane SW, Mail Stop-0305, Washington, DC 20528-0305, or submitted electronically by way of instructions at <https://www.dhs.gov/foia-contact-information>. To help us respond to your request as quickly as possible, we strongly encourage you to submit your request electronically. Additional contact information for questions: Phone: 202-981-6100, or Email: [foia.oig@oig.dhs.gov](mailto:foia.oig@oig.dhs.gov).

**Transportation Security Administration (TSA)**

All requests should be mailed to Freedom of Information Act Branch, 6595 Springfield Center Drive, Springfield, VA 20598-6020, or submitted electronically by way of instructions at <https://www.dhs.gov/foia-contact-information>. To help us respond to your request as quickly as possible, we strongly encourage you to submit your request electronically. Additional contact information for questions: Phone: 1-866-FOIA-TSA or 571-227-2300, Fax: 571-227-1406, or Email: [foia@tsa.dhs.gov](mailto:foia@tsa.dhs.gov).

**U.S. Citizenship and Immigration Services (USCIS)**

All requests should be mailed to National Records Center, FOIA/PA Office, P.O. Box 648010, Lee's Summit, MO 64064-8010, or submitted electronically by way of instructions at <https://www.dhs.gov/foia-contact-information>. To help us respond to your request as quickly as possible, we strongly encourage you to submit your request electronically. Additional contact information for questions: Phone: 1-800-375-5283, USCIS Contact Center, or Email: [FOIAPAQuestions@uscis.dhs.gov](mailto:FOIAPAQuestions@uscis.dhs.gov).

**U.S. Coast Guard (USCG)**

All requests should be mailed to Commandant (CG-6P), 2703 Martin Luther King Jr. Ave. SE, Stop 7710, Washington, DC 20593-7710, or submitted electronically by way of instructions at <https://www.dhs.gov/foia-contact-information>. To help us respond to your request as quickly as possible, we strongly encourage you to submit your request electronically. Additional contact information for questions: Phone: 202-475-3522, Fax: 202-372-8413, or Email: [efoia@uscg.mil](mailto:efoia@uscg.mil).

**U.S. Secret Service (USSS)**

All requests should be mailed to Freedom of Information Act and Privacy Act Branch, 245 Murray Lane SW, Building T-5, Washington, DC 20223, or submitted electronically by way of instructions at <https://www.dhs.gov/foia-contact-information>. To help us respond to your request as quickly as possible, we strongly encourage you to submit your request electronically. Additional contact information for questions: Phone: 202-406-6370, Fax: 202-406-5586, or Email: [FOIA@uss.s.dhs.gov](mailto:FOIA@uss.s.dhs.gov).

**Mason Clutter,**

Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2024-03936 Filed 2-26-24; 8:45 am]

**BILLING CODE 9110-9L-P**

**DEPARTMENT OF AGRICULTURE**

**Commodity Credit Corporation**

**7 CFR Part 1430**

**RIN 0560-AI66**

**[Docket No. FSA-2024-0001]**

**Dairy Margin Coverage Production History Adjustment and Program Extension**

**AGENCY:** Commodity Credit Corporation (CCC) and Farm Service Agency (FSA), Department of Agriculture (USDA).

**ACTION:** Final rule.

**SUMMARY:** This rule revises the regulations for Dairy Margin Coverage (DMC) as required by the Further Continuing Appropriations and Other Extensions Act, 2024, which extends provisions of the Agriculture Improvement Act of 2018 (2018 Farm Bill) and amends the Agricultural Act of 2014 (2014 Farm Bill) to allow eligible dairy operations to make a one-time adjustment to established production history and extend DMC through 2024. In addition, the rule extends eligibility of multi-year (lock-in) contracts for an additional year until December 31, 2024, and applies the discounted DMC premium rate to the newly established adjusted base production history.

**DATES:** *Effective:* February 27, 2024.

**FOR FURTHER INFORMATION CONTACT:** Douglas Kilgore; telephone: (717) 887-0963; email: [douglas.e.kilgore@usda.gov](mailto:douglas.e.kilgore@usda.gov). Individuals with disabilities who require alternative means of communication should contact USDA TARGET Center at (202) 720-2600 (voice and text telephone (TTY)) or dial 711 for Telecommunications Relay Service (both voice and text telephone users can initiate this call from any telephone).

**SUPPLEMENTARY INFORMATION:**

**Background**

FSA is revising the DMC regulations in 7 CFR part 1430 as required by the Further Continuing Appropriations and Other Extensions Act, 2024 (Pub. L. 118-22), which extends provisions of the 2018 Farm Bill (Pub. L. 115-334) and amends the 2014 Farm Bill (Pub. L. 113-79). This rule is necessary to implement statutory revisions to DMC to extend coverage for calendar year 2024 and update the production history for dairy operations with less than 5 million pounds according to a prescribed formula using 2019 marketings. This one-time adjustment allows for the production history for each participating dairy operation with less than 5 million pounds of production to better reflect the current production of the dairy operation. The production history for DMC was previously based on the higher of 2011, 2012, or 2013 marketings. The Consolidated Appropriations Act, 2021 (CAA; Pub. L. 116-260), separately authorized, as discussed further below, supplemental payments to certain dairy operations that had supplemental production during DMC coverage years 2021, 2022, or 2023, based on actual 2019 marketings. These payments were referred to as Supplemental DMC. Amendments to DMC made by the Further Continuing Appropriations and Other Extensions Act, 2024, authorize a base production history adjustment for certain dairies using the same formula. Therefore, for ease of administration, for 2024 DMC enrollment, dairy operations that established supplemental production history during the coverage years of 2021 through 2023 will combine their supplemental production history with established production history to create one adjusted base production history. Dairy operations that meet requirements for the adjustment but did not establish supplemental production history during the coverage years of 2021, 2022, and 2023 will have the opportunity to establish a base production history

adjustment during 2024 DMC enrollment. For those dairy operations enrolled in 2023 DMC under a multi-year lock-in contract, lock-in eligibility will be extended until December 31, 2024. In addition, dairy operations enrolled in multi-year lock-in contracts are eligible for the discounted DMC premium rate during the 2024 coverage year.

#### Dairy Margin Coverage

Section 1403 of Subtitle D of Title I of the 2014 Farm Bill (7 U.S.C. 9053) authorizes DMC to provide a risk management program for dairy operations that pays producers when the difference between the price of milk and the cost of feed (the margin) falls below a certain dollar amount selected by the producer. Producers are eligible for catastrophic level margin protection (based on a \$4 margin and 95 percent production history coverage) for their dairy operations by paying an annual administrative fee and are also able to purchase greater coverage (up to \$9.50 margin on 5 to 95 percent of production history) for an annual premium.

Section 761 of Subtitle B of Title VII of Division N of the Consolidated Appropriations Act, 2021 (CAA; Pub. L. 116–260) authorized eligible participants in DMC, who have an approved DMC contract, the opportunity to create a supplemental production history and receive supplemental payments whenever the average actual dairy production margin for a month is less than the coverage level threshold as selected by the dairy operation. Dairy operations eligible for supplemental coverage were to have an approved DMC contract for the applicable calendar year and have an existing DMC production history of less than 5 million pounds. The supplemental production history was determined by multiplying 75 percent of the result of subtracting the dairy operation's established production history from their actual milk marketings for the 2019 calendar year as follows:

(2019 milk marketings – production history) × 75%

Participating dairy operations with approved supplemental pounds had the same coverage percentage and level as on the DMC contract for the applicable calendar year and DMC and Supplemental DMC payments were issued according to the corresponding coverage levels for both established production history and supplemental pounds, respectively.

Authority to make the supplemental production history payments under the

CAA ended as of December 31, 2023. However, amendments to the 2014 Farm Bill under the Further Continuing Appropriations and Other Extensions Act, 2024, use the same supplemental production history formula authorized by the CAA to determine the new adjusted base production history for eligible dairy operations to enroll for 2024 DMC coverage. The result of the formula is added to the historic established production history resulting in a new adjusted base production history for the dairy operation. DMC payments, when triggered, will be based on the adjusted base production history and applicable coverage elections for the 2024 coverage year. The supplemental production history for participating dairy operations with established production history during the 2021, 2022, or 2023 coverage years will be combined with their historical production history resulting in one new adjusted base production history for the dairy operation. Dairy operations with historical production history over 5 million pounds and no supplemental production history are not affected. Eligible DMC dairy operations that did not previously establish supplemental history may establish an adjusted base production history according to the previous supplemental formula used to update production history.

For dairy operations enrolled in 2023 DMC under a multi-year lock-in contract, the Further Continuing Appropriations and Other Extensions Act, 2024, extends their lock-in eligibility for another year until December 31, 2024. Those dairy operations must enroll during the 2024 coverage election period to extend lock-in coverage through coverage year 2024. Dairy operations with 2023 lock-in coverage that do not enroll during the 2024 DMC Coverage Election Period will not be enrolled in 2024 DMC. Dairy operations enrolled in multi-year lock-in contracts are eligible for the discounted DMC premium rate on all pounds of Tier 1 adjusted base production history. For dairy operations with lock-in contracts that have an adjusted base production history that exceeds the 5-million pound Tier 1 threshold, the additional Tier 2 pounds will be automatically enrolled at the Tier 2, \$4.00 Catastrophic level unless the dairy operation chooses to opt out of lock-in coverage for 2024 DMC. For 2024, dairy operations with lock-in contracts have the option to opt out of lock-in coverage and enroll in 2024 DMC through an annual contract with standard non-discounted premium rates applicable.

For 2024, DMC-enrollment participating dairy operations with annual contracts and adjusted base production history will select a coverage percentage and level on their adjusted base production history and pay the standard premium rate. Tier 1 and Tier 2 premium rates are specified in 7 CFR 1430.407. DMC enrollment for the 2024 coverage year will be effective retroactive to January 1, 2024. Eligible dairy operations that are approved for 2024 DMC enrollment will receive any applicable payments triggered after January 1, 2024.

FSA will announce by press release and external communications a 60-day or more enrollment or coverage election period for participating dairy operations to enroll in 2024 DMC.

#### Notice, Comment, Exemptions, and Effective Date

As specified in section 1601(c)(2) of Subtitle F of Title I of the 2014 Farm Bill (7 U.S.C. 9091(c)(2)), the regulations to implement and administer the DMC Program are:

- Exempt from the notice and comment provisions of 5 U.S.C. 553, and

- Exempt from the Paperwork Reduction Act (44 U.S.C. chapter 35).

In addition, section 1601(c)(3) as well as section 1246 of Subtitle E of title XII of the Food Security Act of 1985 (16 U.S.C. 3846) direct the Secretary to use the authority provided in 5 U.S.C. 808 (part of the Congressional Review Act), which provides that when an agency finds for good cause that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, the rule may take effect at such time as the agency determines.

DMC is authorized through December 31, 2024, under the recently enacted Further Continuing Appropriations and Other Extensions Act, 2024, which also extends certain provisions of the 2018 Farm Bill through September 30, 2024. FSA and CCC find that notice and public procedure are contrary to the public interest. Therefore, even though this rule is a major rule for purposes of the Congressional Review Act (5 U.S.C. 800–808), FSA and CCC are not required to delay the effective date for 60 days from the date of publication to allow for Congressional review. Therefore, this rule is effective on the date of publication in the **Federal Register**.

In addition, because this rule is exempt from the requirements in 5 U.S.C. 553, it is also exempt from the regulatory analysis requirements of the Regulatory Flexibility Act (5 U.S.C. 601–612), as amended by the Small Business Regulatory Enforcement

Fairness Act of 1996 (SBREFA). The requirements for the regulatory flexibility analysis in 5 U.S.C. 603 and 604 are specifically tied to the agency being required to issue a proposed rule by section 553 or any other law, further, the definition of rule in 5 U.S.C. 601 is tied to the publication of a proposed rule.

#### **Executive Orders 12866 and 13563**

Executive Order 12866, “Regulatory Planning and Review,” and Executive Order 13563, “Improving Regulation and Regulatory Review,” direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasized the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The requirements in Executive Orders 12866 and 13573 for the analysis of costs and benefits apply to rules that are determined to be significant.

The Office of Management and Budget (OMB) designated this rule as not significant under Executive Order 12866 and therefore, OMB has not reviewed this rule.

#### **Environmental Review**

The environmental impacts of this final rule have been considered in a manner consistent with the provisions of the National Environmental Policy Act (NEPA, 42 U.S.C. 4321–4347), the regulations of the Council on Environmental Quality (40 CFR parts 1500–1508), the FSA regulation for compliance with NEPA (7 CFR part 799), and, because FSA will be making the payments to producers, the USDA regulation for compliance with NEPA (7 CFR part 1b).

The intent of the DMC Program is a margin-based support program for dairy producers providing risk management coverage that will pay producers when the difference between the national price of milk and the national estimated cost of feed (the margin) falls below a certain level. The aspects of DMC being revised in this rule do not have the potential to impact the human environment. As such, for DMC, the FSA categorical exclusions in 7 CFR 799.31 apply, specifically 7 CFR 799.31(b)(6)(iii) Financial assistance to supplement income, manage the supply of agricultural commodities, or influence the cost or supply of such commodities or programs of a similar

nature or intent (that is, price support programs) and (vi) Safety net programs administered by FSA.

Through this review, FSA determined that the proposed changes in this rule fit within the categorical exclusions listed above. Categorical exclusions apply when no extraordinary circumstances exist (7 CFR 799.33). As such, FSA evaluated the potential for extraordinary circumstances and determined that none apply because the provisions identified in this final rule are minor and administrative in nature, are intended to clarify the mandatory requirements of the programs, and do not constitute a major Federal action that would significantly affect the quality of the human environment, individually or cumulatively. Therefore, an environmental assessment or environmental impact statement will not be prepared for this regulatory action; this rule serves as documentation of the programmatic environmental compliance decision for this Federal action.

#### **Executive Order 12988**

This rule has been reviewed under Executive Order 12988, “Civil Justice Reform.” This rule will not preempt State or local laws, regulations, or policies unless they represent an irreconcilable conflict with this rule. Eligible dairy operations that are approved for 2024 DMC enrollment will receive any applicable payments that trigger after January 1, 2024. Before any judicial actions may be brought regarding the provisions of this rule, the administrative appeal provisions of 7 CFR parts 11 and 780 are to be exhausted.

#### **Executive Order 13175**

This rule has been reviewed in accordance with the requirements of Executive Order 13175, “Consultation and Coordination with Indian Tribal Governments.” Executive Order 13175 requires Federal agencies to consult and coordinate with Tribes on a Government-to-Government basis on policies that have Tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects 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.

USDA has assessed the impact of this rule on Indian Tribes and determined that this rule does not, to our knowledge, have Tribal implications that required Tribal consultation under

Executive Order 13175 at this time. If a Tribe requests consultation, the USDA Office of Tribal Relations (OTR) will ensure meaningful consultation is provided where changes, additions, and modifications are not expressly mandated by law.

#### **Unfunded Mandates Reform Act**

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA, Pub. L. 104–4) requires Federal agencies to assess the effects of their regulatory actions of State, local, and Tribal governments or the private sector. Agencies generally must prepare a written statement, including cost benefit analysis, for proposed and final rules with Federal mandates that may result in expenditures of \$100 million or more in any 1 year for State, local or Tribal governments, in the aggregate, or to the private sector. UMRA generally requires agencies to consider alternatives and adopt the more cost effective or least burdensome alternative that achieves the objectives of the rule. This rule contains no Federal mandates, as defined in Title II of UMRA, for State, local and Tribal governments or the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of UMRA.

#### **Paperwork Reduction Act (PRA)**

As noted above, the regulations to implement the DMC Program are exempt from PRA as specified in 7 U.S.C. 9091.

#### **Federal Assistance Programs**

The title and number of the Federal assistance program, as found in the Assistance Listing<sup>1</sup> to which this rule applies is: 10.127—Dairy Margin Coverage Program.

#### **USDA Non-Discrimination Policy**

In accordance with Federal civil rights law and USDA civil rights regulations and policies, USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family or 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.

<sup>1</sup> See <https://sam.gov/content/assistance-listings>.

Individuals who require alternative means of communication for program information (for example, braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA TARGET Center at (202) 720-2600 (voice and text telephone (TTY)) or dial 711 for Telecommunications Relay Service (both voice and text telephone users can initiate this call from any telephone). Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at <https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint> and at any USDA office or write a letter addressed to USDA and provide in the letter all the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail to: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250-9410; (2) fax: (202) 690-7442; or (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

USDA is an equal opportunity provider, employer, and lender.

#### List of Subjects in 7 CFR Part 1430

Dairy products, Fraud, Penalties, Reporting and recordkeeping requirements.

For the reasons discussed above, CCC amends 7 CFR part 1430 as follows:

#### PART 1430—DAIRY PRODUCTS

■ 1. The authority citation for part 1430 is revised to read as follows:

**Authority:** 7 U.S.C. 9051–9060 and 9071 and 15 U.S.C. 714b and 714c.

#### Subpart D—Dairy Margin Coverage Program

■ 2. Amend 1430.402 as follows:

- a. Add the definition of “Adjusted base production history” in alphabetical order;
- b. Remove the definition of “Supplemental Dairy Margin Coverage payment”; and
- c. Revise the definition of “Supplemental production history”.

The addition and revision to read as follows:

#### § 1430.402 Definitions.

\* \* \* \* \*

*Adjusted base production history* means the production history determined under this subpart for a

participating dairy operation with production of less than 5 million pounds that is adjusted according to this subpart.

\* \* \* \* \*

*Supplemental production history* means the production history determined according to a formula using actual 2019 marketings, as authorized by the Consolidated Appropriations Act, 2021 (Pub. L. 116–260) for coverage years 2021, 2022, and 2023, for dairy operations enrolled in DMC with less than 5 million pounds of production.

\* \* \* \* \*

#### § 1430.403 [Amended]

■ 3. In § 1430.403, amend paragraph (f), by removing the word “supplemental” and adding “adjusted based” in its place both times it appears.

■ 4. Amend § 1430.404 as follows:

- a. In paragraph (a), remove the word “supplemental” and add “adjusted base” in its place;
- b. Revise paragraph (b) introductory text;
- c. Remove paragraph (b)(3);
- d. Revise paragraphs (c)(1) and (e)(2);
- e. Revise paragraph (h);

The revisions read as follows:

#### § 1430.404 Time and method of registration and annual election.

\* \* \* \* \*

(b) A dairy operation must submit completed contracts and any other supporting documentation, during the annual election period established by the Deputy Administrator, to the administrative county FSA office serving the dairy operation. However, the production history must be established only once and approved by CCC before the contract is submitted and considered complete. Dairy operations with less than 5 million pounds of production may make a one-time adjustment to production history based on a prescribed formula using actual 2019 milk marketings according to § 1430.405(a)(3), during the 2024 annual coverage election period. Once the adjusted base production history is established, that history will be permanent, will be used in place of previously established production history, and will be subject to coverage elections made by the dairy operation under the lock-in option according to § 1430.407(j) or made by the dairy operation in subsequent annual coverage year enrollments.

\* \* \* \* \*

(c) \* \* \*

(1) The applicable year of coverage for contracts received during an annual election period will be the following

calendar year, except for 2019 and 2024, where the election and coverage year will be the same, or unless otherwise specified by the Deputy Administrator for Farm Programs. Coverage for dairy operations that register during the 2019 election period will be retroactive to January 1, 2019. Coverage for dairy operations that are approved for 2024 DMC enrollment will receive any applicable payments triggered after January 1, 2024.

\* \* \* \* \*

(e) \* \* \*

(2) During the 2019 annual coverage election period only, participating dairy operations that make a one-time election of coverage level and percentage of coverage, according to § 1430.407(j), will be locked in at the same coverage level and percentage of coverage for a 5-year period beginning January 1, 2019, and ending December 31, 2023. During the annual coverage election period, dairy operations that elected that lock-in option must choose to remain locked in at the same coverage level and percentage of coverage for an additional year, ending December 31, 2024, or opt out of lock-in coverage for coverage year 2024. Dairy operations that elect the lock-in option are required to pay the annual administrative fee and submit an annual contract during the annual contract election period for each coverage year to certify that the dairy operation is still in the business of producing and commercially marketing milk. If the operation fails to pay the applicable administrative fees or certify the status of the dairy operation, the dairy operation will remain obligated for all applicable unpaid administrative and premium fees calculated for the lock-in period.

\* \* \* \* \*

(h) In addition to meeting requirements in paragraph (g) of this section, the dairy operation must submit a separate form as prescribed by CCC to establish the adjusted base production history for the dairy operation, if applicable, to complete a submission.

■ 5. Amend § 1430.405 as follows:

- a. In paragraph (a) introductory text, remove the word “years” and add “years, and will establish an adjusted base production history, if applicable”;
- b. In paragraph (a)(1), remove the word “supplemental”; and add “or adjusted base production history” in its place;
- c. Revise paragraph (a)(3);
- d. Add paragraph (a)(4);
- e. In paragraph (f), remove the words “and supplemental” wherever they appear and add “or adjusted base production” in their place; and

■ f. In paragraph (g), remove the word “supplemental” and add “adjusted base production” in its place;

The revision and additions read as follows:

**§ 1430.405 Establishment and transfer of production history for a participating dairy operation.**

\* \* \* \* \*

(a) \* \* \*

(3) A participating dairy operation may establish supplemental production history during the coverage election period preceding the coverage year, except for 2021 when a special enrollment will occur. To determine supplemental production history, the dairy operation production history established according to paragraph (a), (b), or (c) of this section must be subtracted from that dairy operation’s actual pounds of 2019 milk production as indicated on the milk marketing statement, with the result multiplied by 75 percent. Supplemental production history may not be established after the 2023 coverage year.

(4) A participating dairy operation with production of less than 5 million pounds may establish adjusted base production history during the coverage election period beginning with the 2024 coverage year. To determine adjusted base production history, the dairy operation production history established according to paragraph (a), (b), or (c) of this section, and as previously adjusted under paragraph (e) of this section, if applicable, must be subtracted from that dairy operation’s actual pounds of 2019 milk production as indicated on the milk marketing statement, with the result multiplied by 75 percent, and then added to the previously established production history. If the new adjusted base production history for a lock-in contract in coverage year 2024 exceeds the maximum 5 million pounds that can be covered under Tier 1, according to § 1430.407(d), the excess pounds above 5 million pounds will be enrolled in Tier 2 at the \$4.00 Catastrophic level coverage. If the new adjusted base production history for an annual contract exceeds the maximum 5 million pounds that can be covered under Tier 1, the excess pounds above 5 million pounds will be enrolled according to the coverage elections on the annual contract.

\* \* \* \* \*

**§ 1430.406 [Amended]**

■ 6. In § 1430.406, amend paragraph (c) by removing “2023” and adding “2024” in its place;

■ 7. Amend § 1430.407 as follows:

■ a. In paragraph (a) introductory text, remove the word “succeeding” and add “applicable” in its place;

■ b. In paragraph (a)(2), remove the words “and supplemental” and add “or adjusted base production” in their place; and

■ c. Revise paragraphs (f), (j) and (n).

The revisions read as follows:

**§ 1430.407 Buy-up coverage.**

\* \* \* \* \*

(f) The annual premium due for a participating dairy operation is calculated for production history or adjusted base production history, as applicable, by multiplying:

(1) The covered production history or adjusted base production history; and

(2) The premium per cwt of milk specified in paragraph (e) of this section for the coverage level elected in paragraph (d) of this section by the dairy operation.

\* \* \* \* \*

(j) For each calendar year 2019 through 2023, a participating dairy operation that makes a one-time election of a coverage level threshold and a percentage of coverage according to this section, for a 5-year period, will have their elected coverage level, as applicable to each tier, reduced by 25 percent. The option to lock in for the premium rate discount must be elected during the 2019 annual coverage election period announced by FSA. Except that, new dairy operations, not in existence during the 2019 annual election period, that elect to participate in DMC according to § 1430.404(b), are eligible to receive the premium rate discount for locking coverage for the period beginning with the first available calendar year and ending in 2023, except that new dairy operations registering for DMC for the first time for coverage year 2023 and dairy operations that stop producing and marketing milk in 2019 that are registering for eligible months in 2019 are not eligible for the multi-year premium rate discount. All dairy operations that elect the lock-in option are subject to full participation in the DMC Program at the same elected premium coverage levels and calculated premium for the duration of DMC according to § 1430.413. Participating dairy operations that received the premium rate discount during the 2023 calendar year of coverage are eligible to receive the premium rate discount for calendar year 2024, unless the dairy operation opts-out of lock-in coverage for 2024 according to § 1430.404(e)(2).

\* \* \* \* \*

(n) The premium rate for adjusted base production history eligible under a

lock-in contract maintains the 25 percent discounted rate according to paragraph (j) of this section.

**§ 1430.409 [Amended]**

■ 7. Amend § 1430.409 as follows:

■ a. In paragraph (b), remove the words “production history” and add the words “production history or established adjusted base production history” in their place both times they appear;

■ a. In paragraph (b)(2), add the word “and” at the end;

■ b. In paragraph (b)(3), remove the words “of the” and add “or adjusted base production history of the” in their place and remove “; and” and add a period in their place;

■ c. Remove paragraph (b)(4); and

■ d. In paragraph (c), remove the word “history” and add “history or adjusted base production history” in its place both times it appears.

■ 8. Amend § 1430.413 as follows:

■ a. In paragraph (b), remove the words “for each” and add “no later than September 1 of the applicable calendar year of coverage” in their place;

■ b. In paragraph (c), remove the date “December 31, 2023” and add “the end of the lock-in period” in its place; and

■ c. Add paragraphs (d) and (e).

The additions read as follows:

**§ 1430.413 Multi-year contract for lock-in option.**

\* \* \* \* \*

(d) For 2024 DMC coverage, participating dairy operations with lock-in coverage in 2023 are eligible to extend lock-in coverage for coverage year 2024.

(e) During the 2024 election period, a participating dairy operation with lock-in coverage in 2023, may opt out of the lock-in contract for coverage year 2024 and enroll in 2024 DMC through an annual contract at the standard premium rate.

**Zach Ducheneaux,**

*Administrator, Farm Service Agency, and Executive Vice President, Commodity Credit Corporation.*

[FR Doc. 2024-03991 Filed 2-23-24; 1:00 pm]

**BILLING CODE 3410-E2-P**



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

[Docket No. FAA–2023–2232; Project Identifier AD–2023–00943–R; Amendment 39–22681; AD 2024–04–02]

RIN 2120–AA64

**Airworthiness Directives; Robinson Helicopter Company Helicopters**

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

**ACTION:** Final rule.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for certain Robinson Helicopter Company Model R22, R22 Alpha, R22 Beta, R22 Mariner, R44, R44 II, and R66 helicopters. This AD was prompted by reports of helicopters losing a tail rotor blade (TRB) tip cap. This AD requires visually checking and inspecting certain part-numbered and serial-numbered TRB tip caps for evidence of corrosion and, depending on the results, removing the corrosion. This AD also requires removing all affected TRBs from service and prohibits installing them on any helicopter. The FAA is issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective April 2, 2024.

**ADDRESSES:**

*AD Docket:* You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2023–2232; 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.

*Related Service Information:*

- For service information identified in this final rule, contact Robinson Helicopter Company, Technical Support Department, 2901 Airport Drive, Torrance, CA 90505; phone (310) 539–0508; fax (310) 539–5198; email [ts1@robinsonheli.com](mailto:ts1@robinsonheli.com); or website [robinsonheli.com](https://www.robinsonheli.com).

- You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

**FOR FURTHER INFORMATION CONTACT:**

James Guo, Aviation Safety Engineer, FAA, 3960 Paramount Boulevard, Lakewood, CA 90712; phone: (562) 627–5357; email: [james.guo@faa.gov](mailto:james.guo@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 Robinson Helicopter Company Model R22, R22 Alpha, R22 Beta, R22 Mariner, R44, R44 II, and R66 helicopters. The NPRM published in the **Federal Register** on December 6, 2023 (88 FR 84761). The NPRM was prompted by three reports of TRB tip caps coming loose due to corrosion at the bond on Robinson Helicopter Company Model R44 helicopters. Due to the similarity of the TRB tip caps on Robinson Helicopter Company Model R22, R22 Alpha, R22 Beta, R22 Mariner, R44 II, and R66 helicopters, those model helicopters are also affected by this issue. According to Robinson Helicopter Company, it has also seen TRBs that have corroded to an unserviceable condition, including severe leading edge pitting and degradation of the bond at the tip cap. Robinson Helicopter Company advises that helicopters operating near saltwater are particularly susceptible to corrosion, especially if stored outdoors. Affected TRBs were factory-installed or shipped as spares prior to November 2022. The three reports include a TRB tip cap departing its helicopter. The separate incidents occurred during a run-up check, after landing, and during a landing on different helicopters.

In the NPRM, the FAA proposed to require repetitively checking and inspecting the tips caps of TRB part number (P/N) A029–2 with TRB serial numbers (S/N) up to 11279 inclusive (P/N A029–2 REV A through U inclusive), TRB P/N C029–3 with TRB S/N up to 14329 inclusive (P/N C029–3 REV A through Q inclusive), and TRB P/N F029–1 with TRB S/N up to 3099 inclusive (P/N F029–1 REV A through F inclusive) for evidence of corrosion, removing corrosion, and eventual removal of those TRBs from service. The owner/operator (pilot) holding at least a private pilot certificate may accomplish the check of the TRB tip caps and must enter compliance with the applicable paragraph of this AD into the helicopter maintenance records in accordance with 14 CFR 43.9(a) and 91.417(a)(2)(v). The pilot may perform this action because it only involves visually checking the TRB tip caps for an exposed tip cap bond line or bubbled paint. This action could

be performed equally well by a pilot or a mechanic. This is an exception to the FAA's standard maintenance regulations.

A debonded TRB tip cap can cause severe vibration and possible failure of the tail rotor gearbox housing. This condition, if not addressed, could result in increased vibrations, reduced controllability, and subsequent loss of control of the helicopter. The FAA is issuing this AD to address the unsafe condition on these products.

**Discussion of Final Airworthiness Directive****Comments**

The FAA received no comments on the NPRM or on the determination of the costs.

**Conclusion**

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 these products. Except for minor editorial changes, this AD is adopted as proposed in the NPRM.

**Related Service Information**

The FAA reviewed Robinson Helicopter Company R22 Service Bulletin SB–120, R44 Service Bulletin SB–112, and R66 Service Bulletin SB–41, each dated December 22, 2022 (SB–120, SB–112, and SB–41). This service information specifies procedures for revising the Pilot's Operating Handbook of affected helicopters by inserting the included "Special Tail Rotor Tip Preflight Inspection" page and briefing all pilots and maintenance personnel regarding those inspection procedures. This service information also specifies procedures for replacing, and returning or sending photos of affected TRBs to Robinson Helicopter Company.

The FAA also reviewed Robinson Helicopter Company R22 Service Letter SL–93, R44 Service Letter SL–82, and R66 Service Letter SL–40, each dated June 30, 2021 (co-published as one document) (SL–93, SL–82, and SL–40). This service information specifies procedures for removing corrosion from TRBs, applying protectant, balancing TRBs after corrosion removal or painting, chemical cleaning TRBs, and tap testing the TRB tip cap area.

**Differences Between This AD and the Service Information**

The effectivity of Robinson Helicopter Company SB–120, SB–112, and SB–41 identify the helicopter S/Ns that the affected TRBs were factory-installed on and the shipping dates of affected TRB



spares, whereas this AD applies to the specified model helicopters with certain part-numbered and serial-numbered TRBs installed. Robinson Helicopter Company SB-120, SB-112, and SB-41 specify revising the Pilot's Operating Handbook of affected helicopters and briefing all pilots and maintenance personnel regarding the inspection requirements, whereas this AD does not require those actions. Robinson Helicopter Company SB-120, SB-112, and SB-41 do not specify any visual inspections accomplished by a mechanic, whereas this AD requires repetitive visual inspections of the TRBs by persons authorized under 14 CFR 43.3. Robinson Helicopter Company SB-120, SB-112, and SB-41 specify replacing, and returning or sending photos of affected TRBs by December 31, 2024, whereas this AD requires removing affected TRBs from service within 10 months.

SL-93, SL-82, and SL-40 specify procedures for chemical cleaning TRBs, tap testing the TRB tip care area, applying protectant, and balancing TRBs after corrosion removal or painting, whereas this AD does not require those actions.

#### Costs of Compliance

The FAA estimates that this AD affects 2,701 helicopters of U.S. registry. The FAA estimates the following costs to comply with this AD. Labor costs are estimated at \$85 per work-hour.

Visually checking or inspecting the TRBs (up to two affected TRBs per helicopter) will take approximately 0.25 work-hour for an estimated cost of up to \$22 per helicopter per cycle, for a U.S. fleet cost of up to \$59,422 per cycle. If required, removing any corrosion will take approximately 2 work-hours and the parts will cost approximately \$100 for an estimated cost of \$270 per TRB. Replacing a TRB will take approximately 3.5 work-hours and the parts will cost up to approximately \$3,600 for an estimated cost of up to \$3,898 per TRB.

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

#### Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I,

section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

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

#### Regulatory Findings

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

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

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

**2024-04-02 Robinson Helicopter Company:**  
Amendment 39-22681; Docket No. FAA-2023-2232; Project Identifier AD-2023-00943-R.

#### (a) Effective Date

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

#### (b) Affected ADs

None.

#### (c) Applicability

This AD applies to the Robinson Helicopter Company helicopters, certificated in any category, identified in paragraphs (c)(1) through (3) of this AD.

(1) Model R22, R22 Alpha, R22 Beta, and R22 Mariner helicopters with tail rotor blade (TRB) part number (P/N) A029-2 with TRB serial numbers (S/N) up to 11279 inclusive (P/N A029-2 REV A through U inclusive), installed;

(2) Model R44 and R44 II helicopters with TRB P/N C029-3 with TRB S/N up to 14329 inclusive (P/N C029-3 REV A through Q inclusive), installed; and

(3) Model R66 helicopters with TRB P/N F029-1 with TRB S/N up to 3099 inclusive (P/N F029-1 REV A through F inclusive), installed.

#### (d) Subject

Joint Aircraft System Component (JASC) Code 6410, Tail Rotor Blades.

#### (e) Unsafe Condition

This AD was prompted by reports of helicopters losing a TRB tip cap. The FAA is issuing this AD to detect and prevent TRB tip cap failures. The unsafe condition, if not addressed, could result in increased vibrations, reduced controllability, and subsequent loss of control of the helicopter.

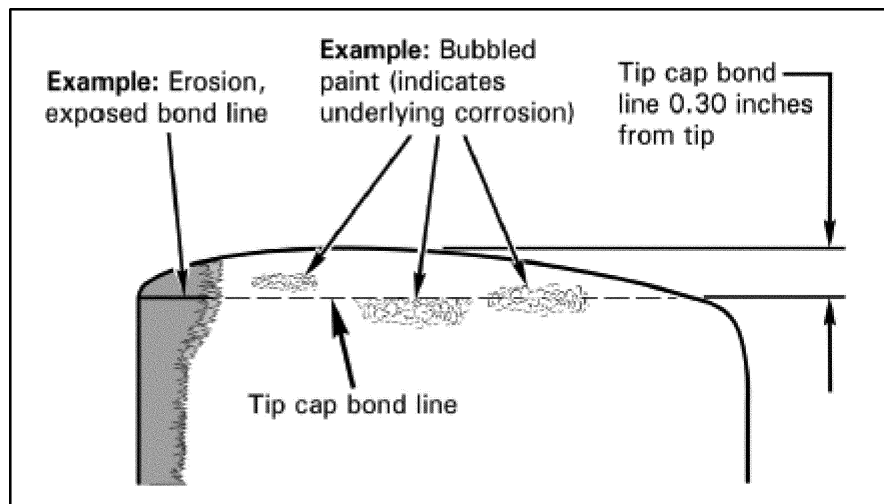
#### (f) Compliance

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

#### (g) Required Actions

(1) Within 10 hours time-in-service (TIS) after the effective date of this AD and thereafter before the first flight of each day, visually check each TRB tip cap area (at and adjacent to the tip cap bond line on each surface and edge of the TRB) for an exposed tip cap bond line or bubbled paint, as depicted in Figure 1 to paragraph (g)(1) of this AD. These items may indicate evidence of corrosion. The owner/operator (pilot) holding at least a private pilot certificate may accomplish this TRB tip cap check and must enter compliance with this paragraph of the AD into the helicopter maintenance records in accordance with 14 CFR 43.9(a) and 91.417(a)(2)(v). The record must be maintained as required by 14 CFR 91.417, 121.380, or 135.439.

**Figure 1 to Paragraph (g)(1)—TRB Tip Cap Check/Inspection**



(2) Within 100 hours TIS or during the next 100 hour or annual inspection after the effective date of this AD, whichever occurs first, and thereafter at intervals not to exceed 100 hours TIS or during the next 100 hour or annual inspection, whichever occurs first, visually inspect each TRB tip cap area (at and adjacent to the tip cap bond line on each surface and edge of the TRB) for evidence of corrosion, which may be indicated by an exposed tip cap bond line or bubbled paint, as depicted in Figure 1 to paragraph (g)(1) of this AD.

(3) As a result of the actions required by either paragraph (g)(1) or (2) of this AD, if there is evidence of corrosion, an exposed tip cap bond line, or bubbled paint, before further flight, remove all of the corrosion.

**Note 1 to paragraph (g)(3):** Robinson Helicopter Company R22 Service Letter SL-93, R44 Service Letter SL-82, and R66 Service Letter SL-40, each dated June 30, 2021 (co-published as one document), provide information regarding removing corrosion from TRBs.

(4) Within 10 months of the effective date of this AD, remove all TRBs identified in paragraph (c) of this AD from service.

(5) As of 10 months after the effective date of this AD, do not install a TRB identified in paragraph (c) of this AD on any helicopter.

**(h) Alternative Methods of Compliance (AMOCs)**

(1) The Manager, West 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 West Certification Branch, send it to the attention of the person identified in paragraph (i)(1) of this AD. Information may be emailed to: [9-ANM-LAACO-AMOC-REQUESTS@faa.gov](mailto:9-ANM-LAACO-AMOC-REQUESTS@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.

**(i) Additional Information**

(1) For more information about this AD, contact James Guo, Aviation Safety Engineer, FAA, 3960 Paramount Boulevard, Lakewood, CA 90712; phone: (562) 627-5357; email: [james.guo@faa.gov](mailto:james.guo@faa.gov).

(2) For service information identified in this AD that is not incorporated by reference, contact Robinson Helicopter Company, Technical Support Department, 2901 Airport Drive, Torrance, CA 90505; phone (310) 539-0508; fax (310) 539-5198; email [ts1@robinsonheli.com](mailto:ts1@robinsonheli.com); or website [robinsonheli.com](http://robinsonheli.com). You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222-5110.

**(j) Material Incorporated by Reference**

None.

Issued on February 13, 2024.

**Victor Wicklund,**

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

[FR Doc. 2024-03920 Filed 2-26-24; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Docket No. FAA-2019-0900; Airspace Docket No. 19-AWP-80]

**RIN 2120-AA66**

**Establishment of Multiple Air Traffic Service (ATS) Routes; Hawaiian Islands**

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

**ACTION:** Final rule.

**SUMMARY:** This action establishes United States Area Navigation (RNAV) Routes T-340, T-342, T-344, and T-346 in the Hawaiian Islands. These RNAV routes facilitate the movement of aircraft among the Hawaiian Islands and increase operational efficiencies to RNAV Standard Instrument Departures (SID) and RNAV Standard Terminal Arrival Routes (STAR), which enhances the air traffic capacity of the Hawaiian airports.

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

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

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

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

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

**SUPPLEMENTARY INFORMATION:**

**Authority for This Rulemaking**

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it expands the availability of RNAV in Hawaii and promotes operational efficiencies to RNAV SID and RNAV STAR which enhances the air traffic capacity of the Hawaiian airports.

**History**

The FAA published an NPRM for Docket No. FAA-2019-0900 in the **Federal Register** (84 FR 67884; December 12, 2019), proposing to establish RNAV routes T-340, T-342, T-344, and T-346 in the Hawaiian Islands. Interested parties were invited to participate in this rulemaking effort by submitting comments on the proposal. No comments were received.

**Differences From the NPRM**

The NPRM published in the **Federal Register** (84 FR 67884; December 12, 2019), included the new waypoint (WP) MALOA, HI, WP in the route description for RNAV route T-340. This WP will not be used as a route point for T-340. The NPRM also included HLENA, HI, WP in the route description of T-340. This action changes the name of the HLENA, HI, WP to HLONO, HI, WP. The location of the HLONO, HI, WP will remain as published for HLENA,

HI, WP, in the NPRM. Finally, the route points KOLEA, HI, WP and PAIKO, HI, WP listed in the NPRM for T-346 have been renamed. The new name of the KOLEA, HI, WP is KIKKI, HI, WP. The location of the KIKKI, HI, WP will remain as published for KOLEA, HI, WP, in the NPRM. The new name of the PAIKO, HI, WP, is PLACK, HI, WP. The location of the PLACK, HI, WP will remain as published for PAIKO, HI, WP, in the NPRM. Lastly, the route point NORWA, HI, WP is being removed from the route description of T-346. This route point represents a less than one degree turn and therefore is not required to be included in the route description. The updated route point names and route descriptions are incorporated in this action.

**Incorporation by Reference**

United States Area Navigation Routes are published in paragraph 6011 of FAA Order JO 7400.11 Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document amends the current version of that order, FAA Order JO 7400.11H, dated August 11, 2023, and effective September 15, 2023. FAA Order JO 7400.11H is publicly available as listed in the **ADDRESSES** section of this document. These amendments will be published in the next update to FAA Order JO 7400.11.

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

**International Civil Aviation Organization (ICAO) Considerations**

As part of this action relates to the navigable airspace outside the United States 12 nautical mile territorial limit, this rule is submitted consistent with the ICAO Standards and Recommended Practices (SARPs).

Applicability of the SARPs by the FAA, in areas outside domestic airspace of the United States is governed by Annex 11 to the Convention on International Civil Aviation. Annex 11's purpose, together with Annex 2, is to ensure that international civil aviation is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The SARPs in Annex 11 apply in those parts of the airspace under the jurisdiction of a Contracting State wherein air traffic services are provided and wherever a Contracting State accepts the responsibility of providing air traffic services over the high seas or in airspace of undetermined sovereignty. A Contracting State accepting such responsibility may apply

the SARPs to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

Executive Order 10854 requires coordination with the Secretary of State and Secretary of Defense in the event an airspace action will wholly, or in part, affect an area outside of the United States or the overlying airspace thereof, over or in which the Federal Government of the United States, under international treaty, agreement, or other lawful arrangement, has appropriate jurisdiction or control.

Due to this action involving, in part, the designation of navigable airspace outside of the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

**The Rule**

This action amends 14 CFR part 71 by establishing RNAV Routes T-340, T-342, T-344, and T-346 in the Hawaiian Islands to facilitate the movement of aircraft among the Hawaiian Islands and increase operational efficiencies to current and proposed RNAV SIDs and STARs. The new RNAV routes are described below.

**T-340:** T-340 is a new route that extends between the NORBY, HI, Fix and the Hilo, HI (ITO), Very High Frequency Omnidirectional Range/Tactical Air Navigation (VORTAC). RNAV Route T-340 provides a route to the north of the island of Maui, avoiding turbulence from strong trade winds. Additionally, T-340 provides an alternative weather avoidance route between Oahu and the Big Island.

**T-342:** T-342 is a new route that extends between the KUHIO, HI, WP and the Kona HI (KOA), VORTAC. RNAV Route T-342 provides a route to the north of the island of Molokai and then turns south to the Kona VORTAC. Additionally, T-342 provides for weather avoidance.

**T-344:** T-344 is a new route that extends between the NAPUA, HI, Fix and the Kona, HI (KOA), VORTAC. RNAV Route T-344 provides a route along the south side of the Hawaiian Island chain. Additionally, T-344 provides a more direct routing from the island of Kauai to the Big Island.

**T-346:** T-346 is a new route that extends between the Lihua, HI (LIH), VORTAC and the PLACK, HI, WP. RNAV Route T-346 provides a route from the island of Kauai to the Big Island and connects to RNAV Route T-340. Additionally, T-346 supports single engine aircraft that need to stay within gliding distance to the shoreline.

## Regulatory Notices and Analyses

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

## Environmental Review

The FAA has determined that this airspace action of establishing RNAV Routes T–340, T–342, T–344, and T–346 in the Hawaiian Islands, qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5–6.5a, which

categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points), and paragraph 5–6.5i, which categorically excludes from further environmental review the establishment of new or revised air traffic control procedures conducted at 3,000 feet or more above ground level (AGL); procedures conducted below 3,000 feet AGL that do not cause traffic to be routinely routed over noise sensitive areas; modifications to currently approved procedures conducted below 3,000 feet AGL that do not significantly increase noise over noise sensitive areas; and increases in minimum altitudes and landing minima. As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. Accordingly, the FAA has determined that no extraordinary

circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

## List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

## The Amendment

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

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

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

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

## § 71.1 [Amended]

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

*Paragraph 6011 United States Area Navigation Routes.*

\* \* \* \* \*

### T–340 NORBY, HI to Hilo, HI (ITO) [New]

NORBY, HI	FIX	(Lat. 21°09′18.74″ N, long. 157°31′21.71″ W)
HLONO, HI	WP	(Lat. 21°02′18.48″ N, long. 157°14′53.85″ W)
AARES, HI	WP	(Lat. 20°59′55.00″ N, long. 157°05′42.00″ W)
CHAIN, HI	FIX	(Lat. 20°58′22.78″ N, long. 156°55′32.74″ W)
WYLUA, HI	WP	(Lat. 21°05′42.50″ N, long. 156°31′38.18″ W)
BARBY, HI	FIX	(Lat. 20°51′39.55″ N, long. 155°58′47.44″ W)
LONOH, HI	WP	(Lat. 20°21′58.13″ N, long. 155°41′40.54″ W)
WAPIO, HI	FIX	(Lat. 20°11′16.63″ N, long. 155°35′33.58″ W)
VELLA, HI	FIX	(Lat. 20°07′14.35″ N, long. 155°20′53.98″ W)
ARBOR, HI	FIX	(Lat. 19°58′51.61″ N, long. 155°07′59.70″ W)
Hilo, HI (ITO)	VORTAC	(Lat. 19°43′16.86″ N, long. 155°00′39.44″ W)

\* \* \* \* \*

### T–342 KUHIO, HI to KONA, HI [New]

KUHIO, HI	WP	(Lat. 21°15′18.66″ N, long. 157°49′54.01″ W)
Koko Head, HI (CKH)	VORTAC	(Lat. 21°15′54.40″ N, long. 157°42′10.73″ W)
ALAEY, HI	WP	(Lat. 21°15′17.58″ N, long. 157°27′49.56″ W)
PLUMB, HI	FIX	(Lat. 21°12′42.30″ N, long. 156°36′05.35″ W)
WYLUA, HI	WP	(Lat. 21°05′42.50″ N, long. 156°31′38.18″ W)
Maui, HI (OGG)	VORTAC	(Lat. 20°54′23.30″ N, long. 156°25′15.42″ W)
MAKEN, HI	FIX	(Lat. 20°34′44.22″ N, long. 156°25′10.66″ W)
TAMMI, HI	FIX	(Lat. 20°05′33.56″ N, long. 156°02′00.51″ W)
Kona, HI (KOA)	VORTAC	(Lat. 19°43′02.06″ N, long. 156°02′41.71″ W)

\* \* \* \* \*

### T–344 NAPUA, HI to Kona (KOA), HI [New]

NAPUA, HI	FIX	(Lat. 21°44′10.93″ N, long. 159°14′38.56″ W)
KEOLA, HI	FIX	(Lat. 21°17′53.24″ N, long. 158°29′25.89″ W)
GECKO, HI	FIX	(Lat. 21°11′32.10″ N, long. 158°18′35.21″ W)
JULLE, HI	FIX	(Lat. 20°57′35.78″ N, long. 157°34′35.29″ W)
ZUKAH, HI	WP	(Lat. 20°15′21.03″ N, long. 156°15′26.08″ W)
Kona, HI (KOA)	VORTAC	(Lat. 19°43′02.06″ N, long. 156°02′41.71″ W)

\* \* \* \* \*

**T-346 Lihue, HI (LIH) to PLACK, HI [New]**

Lihue, HI (LIH)	VORTAC	(Lat. 21°57'55.00" N, long. 159°20'17.20" W)
KIKKI, HI	WP	(Lat. 21°31'15.28" N, long. 158°20'37.80" W)
SHIGI, HI	FIX	(Lat. 21°18'15.11" N, long. 158°10'17.41" W)
KUHIO, HI	WP	(Lat. 21°15'18.66" N, long. 157°49'54.01" W)
NORBY, HI	FIX	(Lat. 21°09'18.74" N, long. 157°31'21.71" W)
MAKEN, HI	FIX	(Lat. 20°34'44.22" N, long. 156°25'10.66" W)
PLACK, HI	WP	(Lat. 20°16'22.29" N, long. 155°38'27.80" W)

\* \* \* \* \*

Issued in Washington, DC, on February 21, 2024.

**Frank Lias,**  
*Manager, Rules and Regulations Group.*

[FR Doc. 2024-03879 Filed 2-26-24; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Docket No. FAA-2023-1757; **Airspace**  
Docket No. 23-ANM-9]

**RIN 2120-AA66**

**Modification of Class E Airspace;  
Spanish Fork Municipal Airport/  
Woodhouse Field, Spanish Fork, UT**

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

**ACTION:** Final rule.

**SUMMARY:** This action modifies the Class E airspace extending upward from 700 feet above the surface at Spanish Fork Municipal Airport/Woodhouse Field, Spanish Fork, UT. This modification supports the safety and management of instrument flight rules (IFR) operations at the airport.

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

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

FAA Order JO 7400.11H, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at [www.faa.gov/air\\_traffic/publications/](http://www.faa.gov/air_traffic/publications/). You may also contact the Rules and Regulations Group, Office of Policy, Federal Aviation

Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267-8783.

**FOR FURTHER INFORMATION CONTACT:**  
Keith T. Adams, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231-2428.

**SUPPLEMENTARY INFORMATION:**

**Authority for This Rulemaking**

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies Class E airspace to support IFR operations at Spanish Fork Municipal Airport/Woodhouse Field, Spanish Fork, UT.

**History**

The FAA published a notice of proposed rulemaking for Docket No. FAA-2023-1757 in the **Federal Register** (88 FR 63542; September 15, 2023), proposing to modify Class E airspace at Spanish Fork Municipal Airport/Woodhouse Field, UT. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

**Incorporation by Reference**

Class E5 airspace area is published in paragraph 6005, respectively, of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document amends the current version of that order, FAA Order JO 7400.11H, dated August 11, 2023, and effective September 15, 2023. FAA Order JO

7400.11H is publicly available as listed in the **ADDRESSES** section of this document. These amendments will be published in the next update to FAA Order JO 7400.11.

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

**The Rule**

This action amends 14 CFR part 71 by modifying the Class E airspace extending upward from 700 feet above the surface at Spanish Fork Municipal Airport/Woodhouse Field, Spanish Fork, UT.

The Class E airspace area extending upward from 700 feet above the surface is increased to a 6.9-mile radius to better contain IFR departures until they reach 1,200 feet above the surface on the SPANISH FORK ONE DEPARTURE (OBSTACLE) procedure. Additionally, a 2.1-mile extension from the airport's 326° bearing extending 2 miles on either side is added to better contain IFR arrival operations below 1,500 feet above the surface on the Area Navigation (RNAV) (Global Positioning System [GPS]) Y Runway (RWY) 12 and RNAV (GPS) Z RWY 12 approaches.

**Regulatory Notices and Analyses**

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

**Environmental Review**

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental

Policy Act in accordance with FAA Order 1050.1F, “Environmental Impacts: Policies and Procedures,” paragraph 5–6.5.a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

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

Airspace, Incorporation by reference, Navigation (air).

#### The Amendment

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

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

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

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

##### § 71.1 [Amended]

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

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

\* \* \* \* \*

##### ANM UT E5 Spanish Fork, UT [Amended]

Spanish Fork Airport-Woodhouse Field, UT (Lat. 40°08'42" N, long. 111°40'04" W)

That airspace extending upward from 700 feet above the surface within a 6.9-mile radius of the airport, and within 2 miles on each side of the 326° bearing extending from the 6.9-mile radius to 9 miles northwest of the airport.

\* \* \* \* \*

Issued in Des Moines, Washington, on February 21, 2024.

**B.G. Chew,**

*Group Manager, Operations Support Group, Western Service Center.*

[FR Doc. 2024–04009 Filed 2–26–24; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2024–0274; Airspace Docket No. 24–AGL–5]

RIN 2120–AA66

#### Amendment of Class E Airspace; Maple Lake, MN

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

**ACTION:** Final rule.

**SUMMARY:** This action amends the Class E airspace at Maple Lake, MN. This action is the result of an airspace review as part of the decommissioning of the Darwin very high frequency omnidirectional range (VOR) as part of the VOR Minimum Operating Network (MON) Program. This action updates the name of Maple Lake Municipal Airport-Bill Mavencamp Sr. Field to coincide with the FAA’s aeronautical database. This action does not change the airspace boundaries or operating requirements.

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

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

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

#### FOR FURTHER INFORMATION CONTACT:

Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

#### SUPPLEMENTARY INFORMATION:

#### Authority for This Rulemaking

The FAA’s authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs,

describes in more detail the scope of the agency’s authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends the Class E airspace extending upward from 700 feet above the surface at Maple Lake Municipal Airport-Bill Mavencamp Sr. Field, Maple Lake, MN, to support instrument flight rule operations at this airport.

#### History

The airspace at Maple Lake Municipal Airport-Bill Mavencamp Sr. Field, Maple Lake, MN, was reviewed as part of the decommissioning of the Darwin VOR as part of the VOR MON Program. The airspace review revealed that the name of the airport had been changed, but the airspace legal description had not been updated. This action updates the name of the airport to coincide with the FAA’s aeronautical database. This action is an administrative change and does not affect the airspace boundaries or operating requirements.

#### Incorporation by Reference

Class E airspace designations are published in paragraph 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document amends the current version of that order, FAA Order JO 7400.11H, dated August 11, 2023, and effective September 15, 2023. FAA Order JO 7400.11H is publicly available as listed in the **ADDRESSES** section of this document. These amendments will be published in the next update to FAA Order JO 7400.11.

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

#### The Rule

This amendment to 14 CFR part 71 modifies the Class E airspace extending upward from 700 feet above the surface at Maple Lake Municipal Airport-Bill Mavencamp Sr. Field, Maple Lake, MN by updating the name (previously Maple Lake Municipal Airport) of the airport to coincide with the FAA’s aeronautical database.

This action is an administrative change and does not affect the airspace boundaries or operating requirements; therefore, notice and public procedure under 5 U.S.C. 553(b) is unnecessary.

## Regulatory Notices and Analyses

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

## Environmental Review

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

## Lists of Subjects in 14 CFR 71

Airspace, Incorporation by reference, Navigation (air).

## The Amendment

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

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

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

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

#### § 71.1 [Amended]

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

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

\* \* \* \* \*

### AGL MN E5 Maple Lake, MN [Amended]

Maple Lake Municipal Airport-Bill  
Mavencamp Sr. Field, MN  
(Lat 45°14′10″ N, long 93°59′08″ W)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of the Maple Lake Municipal Airport-Bill Mavencamp Sr. Field.

\* \* \* \* \*

Issued in Fort Worth, Texas, on February 21, 2024.

**Martin A. Skinner,**

*Acting Manager, Operations Support Group,  
ATO Central Service Center.*

[FR Doc. 2024–03835 Filed 2–26–24; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2023–1441; Airspace  
Docket No. 22–AAL–25]

**RIN 2120–AA66**

### Revocation of Colored Federal Airway Blue 12 (B–12) in the Vicinity of Kodiak Island, AK

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

**ACTION:** Final rule.

**SUMMARY:** This action revokes Colored Federal Airway Blue 12 (B–12) in the vicinity of Kodiak Island, AK, due to the previous establishment of United States Area Navigation (RNAV) route T–385 in support of a large and comprehensive T-route modernization project for the state of Alaska.

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

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

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

Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

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

## SUPPLEMENTARY INFORMATION:

### Authority for This Rulemaking

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

### History

The FAA published a NPRM for Docket No. FAA 2023–1441 in the **Federal Register** (88 FR 42659; July 3, 2023), proposing to revoke B–12 in the vicinity of Kodiak Island, AK. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

### Incorporation by Reference

Colored Federal Airways are published in paragraph 6009 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document amends the current version of that order, FAA Order JO 7400.11H, dated August 11, 2023, and effective September 15, 2023. FAA Order JO 7400.11H is publicly available as listed in the **ADDRESSES** section of this document. These amendments will be published in the next update to FAA Order JO 7400.11.

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

### The Rule

This action amends 14 CFR part 71 by revoking Colored Federal Airway B–12, in its entirety in the vicinity of Kodiak, AK.

## Regulatory Notices and Analyses

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

## Environmental Review

The FAA has determined that this airspace action of revoking Colored Federal Airway B–12 in the vicinity of Kodiak, AK qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5–6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points), and paragraph 5–6.5k, which categorically excludes from further environmental review the publication of existing air traffic control procedures that do not essentially change existing tracks, create new tracks, change altitude, or change concentration of aircraft on these tracks. As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. Accordingly, the FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

## List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

## The Amendment

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

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

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

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

#### § 71.1 [Amended]

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

*Paragraph 6009(d) Blue Federal Airways.*

\* \* \* \* \*

#### B–12 [Remove]

\* \* \* \* \*

Issued in Washington, DC, on February 21, 2024.

**Frank Lias,**

*Manager, Rules and Regulations Group.*

[FR Doc. 2024–03878 Filed 2–26–24; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### 15 CFR Part 744

[Docket No. 240215–0050]

RIN 0694–AJ54

#### Additions of Entities to the Entity List

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

**ACTION:** Final rule.

**SUMMARY:** In this rule, the Bureau of Industry and Security (BIS) amends the Export Administration Regulations (EAR) by adding 93 entities under 95 entries to the Entity List. These entries are listed on the Entity List under the destinations of the People’s Republic of China (China) (8), India (1), Kyrgyzstan (2), Russia (63), South Korea (1), Turkey (16), and the United Arab Emirates (UAE) (4). Two entities are added to the Entity List under two destinations, accounting for the difference in the

totals. These entities have been determined by the U.S. Government to be acting contrary to the national security or foreign policy interests of the United States.

**DATES:** This rule is effective February 23, 2024.

**FOR FURTHER INFORMATION CONTACT:** Chair, End-User Review Committee, Office of the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, Phone: (202) 482–5991, Email: [ERC@bis.doc.gov](mailto:ERC@bis.doc.gov).

#### SUPPLEMENTARY INFORMATION:

#### Background

The Entity List (supplement no. 4 to part 744 of the EAR (15 CFR parts 730 through 774)) identifies entities for which there is reasonable cause to believe, based on specific and articulable facts, that the entities have been involved, are involved, or pose a significant risk of being or becoming involved in activities contrary to the national security or foreign policy interests of the United States, pursuant to § 744.11(b). The EAR impose additional license requirements on, and limit the availability of, most license exceptions for exports, reexports, and transfers (in-country) when a listed entity is a party to the transaction. The license review policy for each listed entity is identified in the “License Review Policy” column on the Entity List, and the impact on the availability of license exceptions is described in the relevant **Federal Register** document that added the entity to the Entity List. The Bureau of Industry and Security (BIS) places entities on the Entity List pursuant to parts 744 (Control Policy: End-User and End-Use Based) and 746 (Embargoes and Other Special Controls) of the EAR.

The End-User Review Committee (ERC), composed of representatives of the Departments of Commerce (Chair), State, Defense, Energy and, where appropriate, the Treasury, makes all decisions regarding additions to, removals from, or other modifications to the Entity List. The ERC makes all decisions to add an entry to the Entity List by majority vote and makes all decisions to remove or modify an entry by unanimous vote.

#### Additions to the Entity List

The ERC determined to add the following five entities to the Entity List: Dennex Enterprises Limited; Exeya Co., Limited; Most Development Limited; Sigma Technology Limited; and United Electronics Group Company Limited, all under the destination of China. These



entities are added based on information that they significantly contribute to Russia's military and/or defense industrial base by facilitating the diversion of controlled microelectronics to Russia's military and intelligence authorities in support of Russia's war in Ukraine. This activity is contrary to the national security and foreign policy interests of the United States under § 744.11 and these entities qualify as military end users under § 744.21(g) of the EAR. These entities are receiving a footnote 3 designation because the ERC has determined that they are Russian or Belarusian 'military end users' pursuant to § 744.21. A footnote 3 designation subjects these entities to the Russia/Belarus-Military End User Foreign Direct Product (FDP) rule, detailed in § 734.9(g). The entities are added with a license requirement for all items subject to the EAR and a license review policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis.

The ERC determined to add the following eight entities to the Entity List: Kaili Industrial H.K. Limited and Shenzhen Speed Industrial Materials Co., Ltd. under the destination of China; Muller Markt LLC and Profflab LLC under the destination of Kyrgyzstan; Daesung International Trading under the destination of South Korea; and Karasani Dis Ticaret Limited Sirketi; and Orel Dis Ticaret Ltd. under the destination of Turkey. These entities are added for their provision of support to Russia's industrial sector by procuring U.S.-origin machine tools, electronics test equipment, and machine tool spare parts for Russian end-users without required BIS licenses. These items enable Russia to continue its war against Ukraine by developing Russia's industrial base, which gives it the supplies and manufacturing capabilities it needs to replenish munitions and other military goods while also building its wartime economy. This activity is contrary to the national security and foreign policy interests of the United States under § 744.11 of the EAR. These entities will be added with a license requirement for all items subject to the EAR and a license review policy of denial.

The ERC determined to add the following 12 entities to the Entity List: Bion Group Ic Ve Dis Ticaret Limited Sirketi, under the destinations of China and Turkey; Sky17 OOO, under the destination of Russia; and Alesta World Dis Ticaret Ltd; Azu International Bilgi Teknolojileri Ve Dis Ticaret Limited Sirketi; Cozum Yazilim Donanim Elektronik Ic Ve Dis Tic A S; CTL Dis

Ticaret Limited Sirketi; CTM Dis Ticaret Ltd. Sti.; Ervacan Makina Ekipmanlari ve Sanayi Tedarik Ltd Sti.; Kayi Bilişim Elektronik Enerji Madencilik Ve Danismanlik Ltd. Şti.; Megasan Elektronik Ticaret Ve Sanayi A.S.; Smart Trading Tasimacilik San Ve Tic Ltd Sti; and Transeurope Bilişim Diş Ticaret Limited Şirketi, all under the destination of Turkey. These entities are being added because they have engaged in conduct contrary to U.S. foreign policy interests, including by supplying Russia with U.S.-origin items of potential importance to Russia's war effort. The actions of these companies are contrary to U.S. national security and foreign policy interests under § 744.11 of the EAR. Licenses are required for all items subject to the EAR. License applications will be reviewed under a presumption of denial.

The ERC determined to add the following entity to the Entity List: Crynofist Aviation, under the destinations of India and the UAE. This addition is being made because the entity has repeatedly engaged in dilatory, evasive, or misleading behavior regarding its importing of U.S. origin goods. Furthermore, this entity has diverted or attempted to divert U.S.-origin items to Russia without prior authorization from BIS. This activity is contrary to U.S. national security and foreign policy interests under § 744.11 of the EAR. License applications will be reviewed under a presumption of denial.

The ERC determined to add the following six entities to the Entity List: OOO Center for Non-Destructive Testing Technologies Sovtest; Sovtest ATE; Sovtest MTM OOO; Sovtest-Servis OOO; Sovtest-Tekhn OOO; and UK PT Sovtest OOO, all under the destination of Russia. These entities are added based on the risk they pose of attempting to procure and re-export U.S.-origin items contrary to the national security and foreign policy interests of the United States. These entities are all corporate affiliates of OOO Sovtest Comp, which was added to the Entity List on December 22, 2020 (85 FR 83416), for acquiring both radiation-hardened parts and other sensitive electronic components and reexporting those U.S.-origin components to Russia without required licenses. In addition, according to open-source Russian government contract data, these entities have since 2001 acted as suppliers of electronic goods and other items for an extensive array of Russian governmental and state-owned entities that are currently designated on the Entity List. The ERC has determined these entities are engaging in conduct

that poses a risk of violating the EAR such that prior review of exports and re-exports involving these parties, and the imposition of license requirements, enhances BIS's ability to prevent further violations of the EAR. These entities will be added with a license requirement for all items subject to the EAR. License applications will be reviewed under a presumption of denial.

The ERC determined to add the following 46 entities to the Entity List: AFM-Servers Limited Liability Company; Closed Joint Stock Company Marine Bridge and Navigation Systems; Closed Joint Stock Company Tekhrim; EFO Company Limited Liability Company; Federal State Unitary Enterprise Central Research Institute of Structural Materials Prometheus named after I.V. Gorynina; Joint Stock Company 356 Aircraft Repair Plant; Joint Stock Company 502 Military-Technical Property Repair Plant; Joint Stock Company A.S. Yakovlev Design Bureau; Joint Stock Company Aerokon; Joint Stock Company Bryansk Wheeled Tractor Factory-Almaz-Antey; Joint Stock Company Central Company of Financial Industrial Group High Speed Fleet; Joint Stock Company Central Scientific-Research Radiotechnical Institute named after Academic A. I. Berg; Joint Stock Company Defense Systems; Joint Stock Company Design Bureau Kuntsevo; Joint Stock Company Design Bureau of Special Machine Building; Joint Stock Company Eastern Defense Enterprise Granit; Joint Stock Company Kazan Experimental Design Bureau Soyuz; Joint Stock Company Main Production and Technical Enterprise Granit; Joint Stock Company Moscow Scientific-Research Institute Agat; Joint Stock Company Murom Radio Measuring Devices Plant; Joint Stock Company Mytishchi Machine Building Plant; Joint Stock Company Navigator Institute of Aviation Instrument-Making; Joint Stock Company Novosibirsk Aircraft Repair Plant; Joint Stock Company Oboronpromservice United Base Service Center; Joint Stock Company Obukhovskoye; Joint Stock Company Ryazan Production and Technical Enterprise Granit; Joint Stock Company Scientific Production Association Android Technics; Joint Stock Company Scientific Production Association Moscow Radio-Technical Plant; Joint Stock Company Scientific Production Association Pravdinsky Radio Plant; Joint Stock Company Scientific Production Enterprise Plant Iskra; Joint Stock Company Scientific Research Institute of Modern Telecommunication

Technologies; Joint Stock Company Specialized Vector Experimental Design Bureau for Systems and Means of Measurement; Joint Stock Company State Scientific-Research Institute of Instrument Making; Joint Stock Company Sukhoi Design Bureau Company; Joint Stock Company Uraltransmash; Joint Stock Company Vega Radio Engineering Corporation; Joint Stock Company Zavod No. 9; Nobel Brothers Shipyard Limited Liability Company; OKB Luch Limited Liability Company; Open Joint Stock Company Russian Systems Corporation; P.P. Shirshov Institute of Oceanology of the Russian Academy of Sciences; Prom Composite Limited Liability Company; Public Joint Stock Company Saturn; Public Joint Stock Company Scientific Production Enterprise Impulse; Russian Firearms Limited Liability Company; and VR-Technologies Limited Liability Company, all under the destination of Russia. These entities are added for acquiring and attempting to acquire U.S.-origin items in support of Russia's military. This activity is contrary to U.S. national security and foreign policy interests under § 744.11 and these entities qualify as military end users under § 744.21 of the EAR. These entities are receiving a footnote 3 designation because the ERC has determined that they are Russian or Belarusian 'military end users' pursuant to § 744.21. A footnote 3 designation subjects these entities to the Russia/Belarus-Military End User Foreign Direct Product (FDP) rule, detailed in § 734.9(g). The entities are added with a license requirement for all items subject to the EAR and a license review policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis.

The ERC determined to add the following ten entities to the Entity List: Acrol LLC; ARD Satcom; EKB-Neva; EMS Expert LLC; Fifth Element LLC; Medanta; Militech AO; Militech Trade LLC; Symphony LLC; and T-Komponent SP, all under the destination of Russia, to the Entity List. These entities are being added for attempting to evade export controls and sanctions and attempting to acquire U.S.-origin items in support of Russia. This activity is contrary to U.S. national security and foreign policy interests under § 744.11.

The ERC determined to add the following three entities to the Entity List: Miray Global Sanayi Ve Ticaret; Ramses Turizm Isletmesi Danismanlik; and Svista Turizm Ve Havacilik Dis, all under the destination of Turkey. These entities are added because they have shipped U.S.-origin goods to Russia in

apparent violation of U.S. export controls imposed on Russia following its further invasion of Ukraine. License applications will be reviewed under a presumption of denial.

The ERC determined to add the following three entities to the Entity List: Lucky Star General Trading LLC; Marakish Express Cargo LLC; and Payload Cargo LLC, all under the destination of the United Arab Emirates. These additions are being made because these entities are part of a network implicated in the attempted transshipment of U.S.-origin goods to Iran or Russia, which presents a significant risk of violating the EAR. This activity is contrary to the national security and foreign policy interests of the United States under § 744.11 of the EAR. Licenses are required for all items subject to the EAR. License applications will be reviewed under a presumption of denial.

For the reasons described above, this final rule adds the following 93 entities under 95 entries to the Entity List and includes, where appropriate, aliases:

#### China

- Bion Group Ic Ve Dis Ticaret Limited Sirketi,
- Dennex Enterprises Limited,
- Exeya Co., Limited,
- Kaili Industrial H.K. Limited,
- Most Development Limited,
- Shenzhen Speed Industrial Materials Co., Ltd.,
- Sigma Technology Limited, *and*
- United Electronics Group Company Limited.

#### India

- Crynofist Aviation.

#### Kyrgyzstan

- Muller Markt LLC, *and*
- Profflab LLC.

#### Russia

- Acrol LLC,
- AFM-Servers Limited Liability Company,
- ARD Satcom,
- Closed Joint Stock Company Marine Bridge and Navigation Systems,
- Closed Joint Stock Company Tekhrim,
- EFO Company Limited Liability Company,
- EKB-Neva,
- EMS Expert LLC,
- Federal State Unitary Enterprise Central Research Institute of Structural Materials Prometheus named after I.V. Gorynina,
- Fifth Element LLC,
- Joint Stock Company 356 Aircraft Repair Plant,

- Joint Stock Company 502 Military-Technical Property Repair Plant,
- Joint Stock Company A.S. Yakovlev Design Bureau,
- Joint Stock Company Aerokon,
- Joint Stock Company Bryansk Wheeled Tractor Factory-Almaz-Antey,
- Joint Stock Company Central Company of Financial Industrial Group High Speed Fleet,
- Joint Stock Company Central Scientific-Research Radiotechnical Institute named after Academic A. I. Berg,
- Joint Stock Company Defense Systems,
- Joint Stock Company Design Bureau Kuntsevo,
- Joint Stock Company Design Bureau of Special Machine Building,
- Joint Stock Company Eastern Defense Enterprise Granit,
- Joint Stock Company Kazan Experimental Design Bureau Soyuz,
- Joint Stock Company Main Production and Technical Enterprise Granit,
- Joint Stock Company Moscow Scientific-Research Institute Agat,
- Joint Stock Company Murom Radio Measuring Devices Plant,
- Joint Stock Company Mytishchi Machine Building Plant,
- Joint Stock Company Navigator Institute of Aviation Instrument-Making,
- Joint Stock Company Novosibirsk Aircraft Repair Plant,
- Joint Stock Company Oboronpromservice United Base Service Center,
- Joint Stock Company Obukhovskoye,
- Joint Stock Company Ryazan Production and Technical Enterprise Granit,
- Joint Stock Company Scientific Production Association Android Technics,
- Joint Stock Company Scientific Production Association Moscow Radio-Technical Plant,
- Joint Stock Company Scientific Production Association Pravdinsky Radio Plant,
- Joint Stock Company Scientific Production Enterprise Plant Iskra,
- Joint Stock Company Scientific Research Institute of Modern Telecommunication Technologies,
- Joint Stock Company Specialized Vector Experimental Design Bureau for Systems and Means of Measurement,
- Joint Stock Company State Scientific-Research Institute of Instrument Making,
- Joint Stock Company Sukhoi Design Bureau Company,
- Joint Stock Company Uraltransmash,

- Joint Stock Company Vega Radio Engineering Corporation,
- Joint Stock Company Zavod No. 9,
- Medanta,
- Militech AO,
- Militech Trade LLC,
- Nobel Brothers Shipyard Limited Liability Company,
- OKB Luch Limited Liability Company,
- OOO Center for Non-Destructive Testing Technologies Sovtest,
- Open Joint Stock Company Russian Systems Corporation,
- P.P. Shirshov Institute of Oceanology of the Russian Academy of Sciences,
- Prom Composite Limited Liability Company,
- Public Joint Stock Company Saturn,
- Public Joint Stock Company Scientific Production Enterprise Impulse,
- Russian Firearms Limited Liability Company,
- Sky17 OOO
- Sovtest ATE,
- Sovtest MTM OOO,
- Sovtest-Servis OOO,
- Sovtest-Tekhn OOO,
- Symphony LLC,
- T-Komponent SP,
- UK PT Sovtest OOO, *and*
- VR-Technologies Limited Liability Company.

#### South Korea

- Daesung International Trading.

#### Turkey

- Alesta World Dis Ticaret Ltd,
- Azu International Bilgi Teknolojileri Ve Dis Ticaret Limited Sirketi,
- Bion Group Ic Dis Ticaret Limited Sirketi,
- Cozum Yazilim Donanim Eletronik Ic Ve Dis Tic A S,
- CTL Dis Ticaret Limited Sirketi,
- CTM Dis Ticaret Ltd. Sti,
- Ervacan Makina Ekipmanları ve Sanayi Tedarik Ltd Şti.,
- Karasani Dis Ticaret Limited Sirketi,
- Kayi Bilişim Elektronik Enerji Madencilik Ve Danismanlik Ltd. Şti.,
- Megasan Elektronik Ticaret Ve Sanayi A.S.,
- Miray Global Sanayi Ve Ticaret,
- Orel Dis Ticaret Ltd.,
- Ramses Turizm Isletmesi Danismanlik,
- Smart Trading Tasimacilik San Ve Tic Ltd Sti,
- Svista Turizm Ve Havacilik Dis, *and*
- Transeurope Bilişim Diş Ticaret Limited Şirketi.

#### United Arab Emirates

- Crynofist Aviation,

- Lucky Star General Trading LLC,
- Marakish Express Cargo LLC, *and*
- Payload Cargo LLC.

#### Savings Clause

For the changes being made in this final rule, shipments of items removed from eligibility for a License Exception or export, reexport, or transfer (in-country) without a license (NLR) as a result of this regulatory action that were en route aboard a carrier to a port of export, reexport, or transfer (in-country), on February 23, 2024, pursuant to actual orders for export, reexport, or transfer (in-country) to or within a foreign destination, may proceed to that destination under the previous eligibility for a License Exception or export, reexport, or transfer (in-country) without a license (NLR) before March 25, 2024. Any such items not actually exported, reexported, or transferred (in-country) before midnight, on March 25, 2024, require a license in accordance with this final rule.

#### Export Control Reform Act of 2018

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

#### Rulemaking Requirements

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

2. Notwithstanding any other provision of law, no person is required to respond to or be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This regulation involves an information collection approved by OMB under control number 0694–0088, Simplified Network Application Processing System. BIS does not anticipate a change to the burden hours associated with this collection as a result of this rule. Information regarding the collection, including all supporting materials, can be accessed at <https://www.reginfo.gov/public/do/PRAMain>.

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

4. Pursuant to section 1762 of the Export Control Reform Act of 2018, this action is exempt from the Administrative Procedure Act (5 U.S.C. 553) requirements for notice of proposed rulemaking, opportunity for public participation, and delay in effective date.

5. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, are not applicable. Accordingly, no regulatory flexibility analysis is required and none has been prepared.

#### List of Subjects in 15 CFR Part 744

Exports, Reporting and recordkeeping requirements, Terrorism.

Accordingly, part 744 of the Export Administration Regulations (15 CFR parts 730 through 774) is amended as follows:

#### PART 744—CONTROL POLICY: END-USER AND END-USE BASED

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

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

■ 2. Supplement no. 4 to part 744 is amended:

■ a. Under CHINA, PEOPLE'S REPUBLIC OF by adding in alphabetical order entries for “Bion Group Ic Ve Dis Ticaret Limited Sirketi;” “Dennex Enterprises Limited;” “Exeya Co., Limited;” “Kaili Industrial H.K. Limited;” “Most Development Limited;” “Shenzhen Speed Industrial Materials Co., Ltd.;” “Sigma Technology Limited;” and “United Electronics Group Company Limited;”

■ b. Under INDIA by adding in alphabetical order an entry for “Crynofist Aviation;”

■ c. Under KYRGYZSTAN by adding in alphabetical order entries for “Muller Markt LLC;” and “Profflab LLC;”

■ d. Under RUSSIA by adding in alphabetical order entries for “Acrol LLC;” “AFM-Servers Limited Liability

Company;” “ARD Satcom;” “Closed Joint Stock Company Marine Bridge and Navigation Systems;” “Closed Joint Stock Company Tekhrim;” “EFO Company Limited Liability Company;” “EKB-Neva;” “EMS Expert LLC;” “Federal State Unitary Enterprise Central Research Institute of Structural Materials Prometheus named after I.V. Gorynina;” “Fifth Element LLC;” “Joint Stock Company 356 Aircraft Repair Plant;” “Joint Stock Company 502 Military-Technical Property Repair Plant;” “Joint Stock Company A.S. Yakovlev Design Bureau;” “Joint Stock Company Aerokon;” “Joint Stock Company Bryansk Wheeled Tractor Factory-Almaz-Antey;” “Joint Stock Company Central Company of Financial Industrial Group High Speed Fleet;” “Joint Stock Company Central Scientific-Research Radiotechnical Institute named after Academic A. I. Berg;” “Joint Stock Company Defense Systems;” “Joint Stock Company Design Bureau Kuntsevo;” “Joint Stock Company Design Bureau of Special Machine Building;” “Joint Stock Company Eastern Defense Enterprise Granit;” “Joint Stock Company Kazan Experimental Design Bureau Soyuz;” “Joint Stock Company Main Production and Technical Enterprise Granit;” “Joint Stock Company Moscow Scientific-Research Institute Agat;” “Joint Stock Company Murom Radio Measuring Devices Plant;” “Joint Stock Company Mytishchi Machine Building Plant;” “Joint Stock Company Navigator Institute of Aviation Instrument-Making;” “Joint Stock Company Novosibirsk Aircraft Repair Plant;” “Joint Stock Company

Oboronpromservice United Base Service Center;” “Joint Stock Company Obukhovskoye;” “Joint Stock Company Ryazan Production and Technical Enterprise Granit;” “Joint Stock Company Scientific Production Association Android Technics;” “Joint Stock Company Scientific Production Association Moscow Radio-Technical Plant;” “Joint Stock Company Scientific Production Association Pravdinsky Radio Plant;” “Joint Stock Company Scientific Production Enterprise Plant Iskra;” “Joint Stock Company Scientific Research Institute of Modern Telecommunication Technologies;” “Joint Stock Company Specialized Vector Experimental Design Bureau for Systems and Means of Measurement;” “Joint Stock Company State Scientific-Research Institute of Instrument Making;” “Joint Stock Company Sukhoi Design Bureau Company;” “Joint Stock Company Uraltransmash;” “Joint Stock Company Vega Radio Engineering Corporation;” “Joint Stock Company Zavod No. 9;” “Medanta;” “Militech AO;” “Militech Trade LLC;” “Nobel Brothers Shipyard Limited Liability Company;” “OKB Luch Limited Liability Company;” “OOO Center for Non-Destructive Testing Technologies Sovtest;” “Open Joint Stock Company Russian Systems Corporation;” “P.P. Shirshov Institute of Oceanology of the Russian Academy of Sciences;” “Prom Composite Limited Liability Company;” “Public Joint Stock Company Saturn;” “Public Joint Stock Company Scientific Production Enterprise Impulse;” “Russian Firearms Limited Liability Company;” “Sky17 OOO;” “Sovtest ATE;” “Sovtest MTM OOO;” “Sovtest-

Servis OOO;” “Sovtest-Tekhn OOO;” “Symphony LLC;” “T-Komponent SP;” “UK PT Sovtest OOO;” and “VR-Technologies Limited Liability Company;”

■ e. Under SOUTH KOREA by adding in alphabetical order an entry “Daesung International Trading;”

■ f. Under TURKEY by adding in alphabetical order entries for “Alesta World Dis Ticaret Ltd;” “Azu International Bilgi Teknolojileri Ve Dis Ticaret Limited Sirketi;” “Bion Group Ic Ve Dis Ticaret Limited Sirketi;” “Cozum Yazilim Donanim Elektronik Ic Ve Dis Tic A S;” “CTL Dis Ticaret Limited Sirketi;” “CTM Dis Ticaret Ltd.;” “Ervacan Makina Ekipmanlari ve Sanayi Tedarik Ltd Sti.;” “Karasani Dis Ticaret Limited Sirketi;” “Kayi Bilişim Elektronik Enerji Madencilik Ve Danismanlik Ltd. Sti.;” “Megasan Elektronik Ticaret Ve Sanayi A.S.;” “Miray Global Sanayi Ve Ticaret;” “Orel Dis Ticaret Ltd.;” “Ramses Turizm Isletmesi Danismanlik;” “Smart Trading Tasimacilik San Ve Tic Ltd Sti;” “Svista Turizm Ve Havacilik Dis;” and “Transeurope Bilişim Dis Ticaret Limited Şirketi;” and

■ g. Under UNITED ARAB EMIRATES by adding in alphabetical order entries for “Crynofist Aviation;” “Lucky Star General Trading LLC;” “Marakish Express Cargo LLC;” and “Payload Cargo LLC.”

The additions read as follows:

**Supplement No. 4 to Part 744—Entity List**

\* \* \* \* \*

Country	Entity	License requirement	License review policy	Federal Register citation
*	*	*	*	*
CHINA, PEOPLE'S REPUBLIC OF.	*	*	*	*
	Bion Group Ic Ve Dis Ticaret Limited Sirketi, a.k.a., the following two aliases: —Bion Trade Group Limited; and —Bion Group Ltd Sti. Unit 1411, 14/Floor, Cosco Tower 183 Queen's Road Central, Sheung Wan, Hong Kong. (See alternate address under Turkey).	For all items subject to the EAR. (See §§ 744.11 of the EAR).	Presumption of denial .....	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	Dennex Enterprises Limited, 2 Ice House Street, Room 303, 3rd Floor, St. George's Building, Hong Kong.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.2(l)(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	Exeya Co., Limited, 18 Luard Road, Room D, 16/F, One Capital Place, Wan Chai, Hong Kong; and 2–12 Au Pui Wan Street, Workshop F8, 4F, Valiant Industrial Center, Fo Tan, New Territories, Hong Kong.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.2(l)(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.

Country	Entity	License requirement	License review policy	Federal Register citation
	* Kaili Industrial H.K. Limited, a.k.a., the following four aliases: —Kaili Industrial (H.K.) Limited; —Kaili Industrial (HK) Limited; —Kaili Industrial H.K. Ltd.; <i>and</i> —Hong Kong Kaili Industrial Co., Ltd. 45–51 Chatham Road South, Room 803, Chevalier House, Tsim Sha Tsui, Kowloon, Hong Kong.	* For all items subject to the EAR. (See § 744.11 of the EAR).	* Policy of denial .....	* 89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	* Most Development Limited, a.k.a., the following two aliases: —Most Development; <i>and</i> —Most Development Ltd. 2–16 Fayuen Street, Office 4, 16/F, Ho King Commercial Center, Hong Kong; <i>and</i> 9 Yin Chong Street, 21F, Room 01, Prosper Commercial Building, Hong Kong.	* For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	* Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	* 89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	* Shenzhen Speed Industrial Materials Co., Ltd., a.k.a., the following twelve aliases:  No. 5003 Longgang Avenue, Room 607E, Xuyuan Building, Nanlian Community, Longgang District, Shenzhen, Guangdong, 518116, China; <i>and</i> Manjinghua Xiyue Courtyard, No. 6 Yincui Road, Room 409, Building 12, Nanlian Community, Longgang District, Shenzhen, Guangdong, China; <i>and</i> Baomin Road, 6B, Xianji Building, Bao'an District, Shenzhen, Guangdong, China; <i>and</i> No. 155 Baigang Road South, 2nd Floor, Building A, Huicheng District, Huizhou, Guangdong, China.	* For all items subject to the EAR. (See § 744.11 of the EAR).	* Policy of denial .....	* 89 FR [INSERT FR PAGE NUMBER] 2/27/2024. —SPEEDJET; —Speed Jet; —Speed Waterjet; —Shenzhenspeed Industrial Materials Co., Ltd.; —Shenzhen Sipeter Industrial Materials Co., Ltd.; —Speed Industrial Materials (China) Co., Ltd.; —Speed Stainless Steel; —Speed Carbide; —Speed Waterjet Mall; —Huizhou Speed Waterjet Technology Co., Ltd.; —Speed Diamond; <i>and</i> —Speed Nozzle.
	* Sigma Technology Limited, a.k.a., the following two aliases: —Sigma Technology; <i>and</i> —Sigma Technology Ltd. 45–51 Chatham Road South, Chevalier House, Room 803, Tsim Sha Tsui, Kowloon, Hong Kong; <i>and</i> 9 Choi Yuen Road, Units 223–226, 2/F, High Tech Center, Hong Kong; <i>and</i> 9 Choi Yuen Road, Units 303–304, 3/F, High Tech Center, Hong Kong; <i>and</i> 283 Shaukeiwan Road, 05, 15/F, Seaview Plaza, Shaukeiwan, Hong Kong.	* For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	* Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	* 89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	* United Electronics Group Company Limited, a.k.a., the following three aliases: —UEG; —United Electronics Group Limited Company; <i>and</i> —United Electronics Group Co. Ltd. (United). 14 Tai Yau Street, Rm. 5, 11/F, Startex Industrial Building, San Po Kong, Hong Kong; <i>and</i> No. 14 Tai Yau Street, Startex Industrial Building, San Po Kong, Kowloon, Hong Kong; <i>and</i> No. 14 Tai Yau Street, 1105, 11/F, Startex Industrial Building, San Po Kong, Kowloon, Hong Kong.	* For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	* Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	* 89 FR [INSERT FR PAGE NUMBER] 2/27/2024.

Country	Entity	License requirement	License review policy	Federal Register citation
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INDIA .....	<p>Crynofist Aviation, a.k.a., the following two aliases: —Crynofist Aviation Fzco; <i>and</i> —Crynofist Design and Engineering Solutions Pvt Ltd. #677, 1st floor, 27 Main, 13th Cross Sector 1, HSR Layout, Bangalore, 560102, India; <i>and</i> Building No. 521/3, 2nd Floor, Toll Junction, Pukkattupady Road Edappally (P.O), Cochin—682024, Kerala, India. (See alternate address under United Arab Emirates).</p>	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial .....	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
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KYRGYZSTAN .....	<p>Muller Markt LLC, a.k.a., the following six aliases: —Muller Markt LLC; —Müller Markt LLC; —Müller Markt LLC; —LLC Müller Markt; —Müller Markt Limited Liability Company; <i>and</i> —Limited Liability Company Müller Markt. 43 Fatyanova Street, Bishkek, 720005, Kyrgyzstan; <i>and</i> 95 Kalyk Akieva Street, 3rd Floor, Leninsky District, Bishkek, Kyrgyzstan.</p> <p>Profflab LLC, a.k.a., the following one alias: —Profflab OSOO. Apartment 2, 179 Toktogul Street, Bishkek, 720001, Kyrgyzstan.</p>	For all items subject to the EAR. (See § 744.11 of the EAR).	Policy of denial .....	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
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RUSSIA .....	<p>Acrol LLC, a.k.a., the following two aliases: —Akrol LLC; <i>and</i> —OOO Akrol. 33 Prospekt Ispytatelei, Litera A, Room 3N, Office 14, Saint Petersburg, 197349, Russia; <i>and</i> 18 Prospekt Kolomyazhski, Litera A, Room 79N, Komendantski Aerodom Municipal District, Kolomyazhski, Saint Petersburg, 197384, Russia.</p> <p>AFM-Servers Limited Liability Company a.k.a., the following two aliases: —AFM-Servers LLC; <i>and</i> —OOO AFM-Servers. Room 1, Floor 16, 2 Volokolamskoe Highway, Building 6, Moscow, 125080, Russia.</p> <p>ARD Satcom, a.k.a., the following two aliases: —ARD Satcom Service, LLC; <i>and</i> —ARD Satkom Servis. 40 Partizanskaya Street, Moscow, 121359, Russia.</p> <p>Closed Joint Stock Company Marine Bridge and Navigation Systems, a.k.a., the following seven aliases: —AO MNS; —AO Morskie Navigatsionnye Sistemy; —JSC Morskiye Navigatsionnye Sistemy; —CJSC Marine Navigation Systems; —Marine Bridge and Navigation Systems Ltd; —Marine Navigation Systems; <i>and</i> —MNS SBP. 19 Promyshlennaya Street, Saint Petersburg, 198095, Russia.</p>	<p>For all items subject to the EAR. (See § 744.11 of the EAR).</p> <p>For all items subject to the EAR. (See §§ 734.9(g),<sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).</p> <p>For all items subject to the EAR. (See § 744.11 of the EAR).</p> <p>For all items subject to the EAR. (See §§ 734.9(g),<sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).</p>	<p>Policy of denial .....</p> <p>Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).</p> <p>Policy of denial .....</p> <p>Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).</p>	<p>89 FR [INSERT FR PAGE NUMBER] 2/27/2024.</p> <p>89 FR [INSERT FR PAGE NUMBER] 2/27/2024.</p> <p>89 FR [INSERT FR PAGE NUMBER] 2/27/2024.</p> <p>89 FR [INSERT FR PAGE NUMBER] 2/27/2024.</p>
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Country	Entity	License requirement	License review policy	Federal Register citation
	Closed Joint Stock Company Tekhrim, a.k.a., the following four aliases: —CJSC Tekhrim; —Techcrim; —Tekhrim Joint Stock Company; and —ZAO Tekhrim. 39 Prudovaya Street, Zavvalovo, Republic of Udmurtia, 427000, Russia; and 8 Golyansky Posyolok Street, Izhevsk, Republic of Udmurtia, 426063, Russia.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	EFO Company Limited Liability Company, a.k.a., the following three aliases: —OOO EFO; —EFO Ltd; and —EFO LLC. Room 9N, 9 Mendelevskaya Street, Letter V, Apartment 219, Saint Petersburg, 194044, Russia; and 21 Politechnicheskaya Street, Saint Petersburg, 192019 Russia; and 15A Novolitovskaya Street, Office 441, Saint Petersburg, Russia.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	EKB-Neva, a.k.a., the following one alias: —OOO EKB-Neva. 8 Kronshtadtskaya Street, Litera A, Office 6, Saint Petersburg, 198096, Russia.	For all items subject to the EAR. (See § 744.11 of the EAR).	Policy of denial .....	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	EMS Expert LLC, a.k.a., the following one alias: —OOO EMS-Ekspert. 39 Gorodskoi Lane, Office 1, Tula, Tulsкая Oblast, 300012, Russia.	For all items subject to the EAR. (See § 744.11 of the EAR).	Policy of denial .....	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	Federal State Unitary Enterprise Central Research Institute of Structural Materials Prometheus named after I.V. Gorynina, a.k.a., the following nine aliases: —Central Research Institute of Structural Materials Prometey; —CRISM Prometey; —Federal State Unitary Enterprise Central Research of Structural Materials Prometey named by I.V. Gorynin of National Research Center Kurchatov Institute; —Federalnoe Gosudarstvennoe Unitarnoe Predpriyatie Tsentralny Nauchno-Issledovatel'skiy Institut Konstruktsionnykh Materialov Prometei Imeni I.V. Gorynina Natsionalnogo Issledovatel'skogo Tsentra Kurchatovskiy Institut; —FSUE CRISM Prometey; —NITS Kurchatovskiy Institut—TSNII KM Prometey; —NRC Kurchatov Institute—Central Research Institute of KM Prometheus; —NRC Kurchatov Institute CRISM Prometey; and —Prometheus. 49 Shpalernaya Street, Saint Petersburg, 191015, Russia; and 120th Gatchina Division, 12, Gatchina, Leningrad Region, Russia.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	Fifth Element LLC, a.k.a., the following one alias: —OOO Pyaty Element. 4 Gromova Street, Office 331, St. Petersburg, 195196, Russia; and Tallinskaya Street, Litera O, Building 7, Saint Petersburg, 195196, Russia; and 5 2—Ya Entuziastov Street, Korpus 5, Moscow, 111024, Russia.	For all items subject to the EAR. (See § 744.11 of the EAR).	Policy of denial .....	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	Joint Stock Company 356 Aircraft Repair Plant, a.k.a., the following five aliases: —AO 356 ARZ; —JSC 356 ARP; —JSC 356 ARZ; —356 ARZ; and —356 ARZ PAO. Microdistrict Engels-1, Engels, Saratov Region, 413101, Russia.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.

Country	Entity	License requirement	License review policy	Federal Register citation
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	<p>Joint Stock Company 502 Military-Technical Property Repair Plant, a.k.a., the following six aliases:</p> <p>—AO 502 ZRVTI;</p> <p>—JSC 502 Military-Technical Property Repair Plant;</p> <p>—JSC 502 ZRVTI;</p> <p>—OAO 502 Zavod po Remontu Voenno-Tekhnicheskogo Imushchestva;</p> <p>—502 ZRVI; <i>and</i></p> <p>—502 ZRVTI.</p> <p>Noginsk-5 City-Type Village, Noginsk, Moscow Region, 142470, Russia; <i>and</i> Central Microdistrict, Vsevolodov Village, Elektrostal Urban District, Moscow Region, 142405, Russia.</p>	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
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	<p>Joint Stock Company A.S. Yakovlev Design Bureau, a.k.a., the following nine aliases:</p> <p>—AO OKB Im. A.S. Yakovleva;</p> <p>—Design Bureau Named After A.S. Yakovlev;</p> <p>—JSC Yakovlev Design Bureau;</p> <p>—JSC A.S. Yakovlev DB;</p> <p>—OKB Imeni A.S. Yakovleva, OAO;</p> <p>—Joint Stock Company Experimental Design Bureau Named After A.S. Yakovlev;</p> <p>—Joint Stock Company OKB Named After A.S. Yakovlev;</p> <p>—OJSC Opytno-Konstruktorskoye Byuro Im. A.S. Yakovleva; <i>and</i></p> <p>—Yakovlev Design Bureau.</p> <p>68 Leningradski Avenue, Business Center Aviapark, Moscow, 125315, Russia.</p>	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
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	<p>Joint Stock Company Aerokon, a.k.a., the following three aliases:</p> <p>—AO Aerokon;</p> <p>—Aerocon; <i>and</i></p> <p>—JSC Aerocon.</p> <p>1 Zhukovskogo Street, Zhukovski, Moscow Region, 140180, Russia.</p>	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
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	<p>Joint Stock Company Bryansk Wheeled Tractor Factory-Almaz-Antey, a.k.a., the following three aliases:</p> <p>—AO BZKT-Almaz-Antey;</p> <p>—BZKT-Almaz-Antey; <i>and</i></p> <p>—JSC Bryansk Wheeled Tractor Factory-Almaz-Antey.</p> <p>1 Staleliteyny Street, Bryansk, Bryansk Region, 241035, Russia.</p>	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
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	<p>Joint Stock Company Central Company of Financial Industrial Group High Speed Fleet, a.k.a., the following eight aliases:</p> <p>—AO TsK FPG Skorostnoi Flot;</p> <p>—AO Tsentralnaya Kompaniya Finansovo-Promyshlennoi Gruppy Skorostnoi Flot;</p> <p>—JSC Central Company of Financial Industrial Group High Speed Fleet;</p> <p>—Financial Industrial Group High-Speed Fleet</p> <p>—FIG High-Speed Ships;</p> <p>—Rapid Fleet Financial Industrial Group;</p> <p>—High-Speed Ships; <i>and</i></p> <p>—FIG High-Speed Ships.</p> <p>6 Suvorovskaya Street, Premises V, Floor 2, Room 4, Moscow, 107023, Russia.</p>	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
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Country	Entity	License requirement	License review policy	Federal Register citation
	<p>Joint Stock Company Central Scientific-Research Radiotechnical Institute named after Academic A. I. Berg, a.k.a., the following five aliases:</p> <p>—AO TsNIRTI i.m. Akademika A. I. Berga;</p> <p>—AO Tsentralny Nauchno-Issledovstelski Radiotekhnicheski Institut Imeni Akademika A.I. Berga;</p> <p>—Central Scientific-Research Radiotechnical Institute named after Academic A. I. Berg;</p> <p>—CNIRTI; <i>and</i></p> <p>—TsNIRTI n.a. A. I. Berg.</p> <p>20 Novaya Basmanaya Street, Building 9, Moscow, 107078, Russia.</p>	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	<p>Joint Stock Company Defense Systems, a.k.a., the following four aliases:</p> <p>—AO Oboronitelye Sistemy;</p> <p>—JSC Defense Systems;</p> <p>—Defense Systems Corporation; <i>and</i></p> <p>—Defensys.</p> <p>29 Vereyskaya Street, Moscow, 121357, Russia.</p>	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	<p>Joint Stock Company Design Bureau Kuntsevo, a.k.a., the following four aliases:</p> <p>—AO KB Kuntsevo;</p> <p>—AO Konstruktorskoe Byuro Kuntsevo;</p> <p>—JSC Design Bureau Kuntsevo; <i>and</i></p> <p>—KB Kuntsevo.</p> <p>29a Vereyskaya Street, Building 4, Moscow, 121357, Russia.</p>	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	<p>Joint Stock Company Design Bureau of Special Machine Building, a.k.a., the following nine aliases:</p> <p>—AO KBSM;</p> <p>—AO Konstruktorskoe Byuro Spetsialnogo Mashinostroeniya;</p> <p>—JSC Design Bureau of Special Machine Building;</p> <p>—KBSM;</p> <p>—Design Bureau of Special Machine Building AO;</p> <p>—Design Bureau of Special Machine Building;</p> <p>—KBSM Design Bureau of Special Machine Building;</p> <p>—Joint Stock Company KBSM; <i>and</i></p> <p>—Joint Stock Company Engineering Office Spetsialnogo Mashinostroyeniya.</p> <p>120 Obukhovskiy Oborony Avenue, Saint Petersburg, 192012, Russia; <i>and</i> 64 Obukhovskoy Oborony Avenue, Saint Petersburg 192012 Russia.</p>	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	<p>Joint Stock Company Eastern Defense Enterprise Granit, a.k.a., the following four aliases:</p> <p>—AO VOP Granit;</p> <p>—AO Vostochnoe Oboronnoe Predpriyatie Granit;</p> <p>—JSC Eastern Defense Enterprise Granit; <i>and</i></p> <p>—VOP Granit.</p> <p>55 Eniseiskaya Street, Vladivostok, Primorskiy Region, 690039, Russia.</p>	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	<p>Joint Stock Company Kazan Experimental Design Bureau Soyuz, a.k.a., the following four aliases:</p> <p>—AO Kazanskoe OKB Soyuz;</p> <p>—AO Kazanskoe Opytnoye Konstruktorskoe Byuro Soyuz;</p> <p>—JSC Kazan Experimental Design Bureau Soyuz; <i>and</i></p> <p>—Kazan OKB Soyuz.</p> <p>1 Dementiev Street, Kazan, Republic of Tatarstan, 420036, Russia.</p>	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.

Country	Entity	License requirement	License review policy	Federal Register citation
	<p>Joint Stock Company Main Production and Technical Enterprise Granit, a.k.a., the following ten aliases:</p> <p>—AO Golovnoe Proizvodstvenno-Tekhnicheskoe Predpriyatie Granit;</p> <p>—AO GPTP Granit;</p> <p>—GPTP Granit;</p> <p>—Granit Main Service and Repair Center of the Group for Air Defense Concern Almaz-Antey;</p> <p>—GTsO PVO Granit;</p> <p>—JSC Main Production and Technical Enterprise Granit;</p> <p>—Leading Production and Technical Enterprise Granit;</p> <p>—JSC GPTP Granit;</p> <p>—Almaz-Antey GPTP Granit; <i>and</i></p> <p>—JSC Head Technological Enterprise Granit.</p> <p>7 Molodogvardeyskaya Street, Moscow, 121467, Russia.</p>	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	<p>Joint Stock Company Moscow Scientific-Research Institute Agat, a.k.a., the following four aliases:</p> <p>—AO MNII Agat;</p> <p>—AO Moskovski Nauchno-Issledovatel'skiy Institut Agat;</p> <p>—JSC Moscow Scientific-Research Institute Agat; <i>and</i></p> <p>—MNII Agat.</p> <p>2a Tupolev Street, Zhukovsky, Moscow Region, 140185, Russia.</p>	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	<p>Joint Stock Company Murom Radio Measuring Devices Plant, a.k.a., the following four aliases:</p> <p>—AO Muromski Zavod Radioizmeritel'nykh Priborov;</p> <p>—AO MZ RIP;</p> <p>—JSC Murom Radio Measuring Devices Plant; <i>and</i></p> <p>—MZ RIP.</p> <p>2 Karacharovskoye Highway, Murom, Vladimir Region, 602267, Russia.</p>	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	<p>Joint Stock Company Mytishchi Machine Building Plant, a.k.a., the following four aliases:</p> <p>—AO MMZ;</p> <p>—MM Zavod;</p> <p>—MMZ;</p> <p>—Mytishchi Machine Building Plant;</p> <p>—MMZ JSC;</p> <p>—Otkrytoe Aktsionernoe Obshchestvo Mytishchinski Mashinostroitel'ny Zavod;</p> <p>—JSC Mytishchinski Machine-Building Plant; <i>and</i></p> <p>—Mytishchinski Mashinostroitel'ny Zavod, OAO.</p> <p>Passage 1—33 Yaroslavl Highway, Mytishchi, Moscow Region, 141009, Russia; <i>and</i> Passage 2—VL11, Frunze Street, Mytishchi, Moscow Region, 141001, Russia; <i>and</i> 4 Kolontsova Street, Mytishchi, Moscow Region, 141009, Russia.</p>	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	<p>Joint Stock Company Navigator Institute of Aviation Instrument-Making, a.k.a., the following five aliases:</p> <p>—AO Navigator;</p> <p>—AO Institut Aviatzionnogo Priborostroeniya Navigator;</p> <p>—Institute of Aviation Instrument-Making Navigator;</p> <p>—JSC Navigator Institute of Aviation Instrument-Making; <i>and</i></p> <p>—Naviat.</p> <p>14 Shkipersky Protok Street, Letter Z, Building 19, Office 325, Saint Petersburg, 199106, Russia.</p>	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.

Country	Entity	License requirement	License review policy	Federal Register citation
	Joint Stock Company Novosibirsk Aircraft Repair Plant, the following four aliases: —AO NARZ; —AO Novosibirski Aviaremontny Zavod; —JSC NARP; <i>and</i> —Novosibirski Aviaremontny Zavod, PAO. 2/4 Aeroport Street, Novosibirsk, Novosibirsk Region, 630123, Russia.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
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	Joint Stock Company Oboronpromservice United Base Service Center, a.k.a., the following four aliases: —AO OBSTS Oboronpromservis; —AO Obedinenny Bazovy Servisny Tsentr Oboronpromservis; —JSC Oboronpromservice United Base Service Center; <i>and</i> —OBSC Oboronpromservice. 29 Vereyskaya Street, Building 6, Moscow, 121357, Russia; <i>and</i> 29A Vereyskaya Street, Building 4, Moscow, 121357, Russia.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
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	Joint Stock Company Obukhovskoye, a.k.a., the following five aliases: —AO Obukhovskoe; —JSC Obukhovskoye; —Obukhovskoye; —CJSC Obukhovskoye; <i>and</i> —SC Obukhovskoye. 7 Tsvetochnaya Street, Building 1, Room 18–N, Saint Petersburg, 196084, Russia; <i>and</i> 7 Tsvetochnaya Street, Letter L, Saint Petersburg, 196084, Russia.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
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	Joint Stock Company Ryazan Production and Technical Enterprise Granit, a.k.a., the following four aliases: —AO RPTP Granit; —AO Ryazanskoe Proizvodstvenno-Tekhnicheskoe Predpriyatie Granit; —JSC Ryazan Production and Technical Enterprise Granit; <i>and</i> —RPTP Granit. 1 Internationalnaya Street, Building G, Ryazan, Ryazan Region, 390039, Russia.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
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	Joint Stock Company Scientific Production Association Android Technics, a.k.a., the following nine aliases: —Android Technics NPO; —AO Nauchno-Proizvodstvennoe Obedinenie Androidnaya Tekhnika; —AO NPO Androidnaya Tekhnika; —NPO AT; —Open Joint Stock Company Android Technika; —PAO NPO Androidnaya Tekhnika; —Research and Production Association Android Technics; —Joint Stock Company Scientific Production Association Androidnaya Tekhnika; <i>and</i> —SPA Android Technics. 23 Graivoronovskaya Street, Business Center Volzhski, Moscow, 109518, Russia.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
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	Joint Stock Company Scientific Production Association Moscow Radio-Technical Plant, a.k.a., the following six aliases: —AO Nauchno-Proizvodstvennoe Obedinenie Moskovski Radiotekhnicheskii Zavod; —AO NPO MRTZ; —AO Moskovski Radiotekhnicheskii Zavod; —JSC Research and Production Association Moscow Radio-Technical Plant; —NPO MRTZ; <i>and</i> —MRTZ. 29 Vereyskaya Street, Moscow, 121357, Russia.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
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Country	Entity	License requirement	License review policy	Federal Register citation
	<p>Joint Stock Company Scientific Production Association Pravdinsky Radio Plant, a.k.a., the following five aliases:</p> <p>—AO Nauchno-Proizvodstvennoe Obedinenie Pravdinski Radiozavod;</p> <p>—AO NPO PRZ;</p> <p>—JSC Research and Production Association Pravdinsky Radio Plant;</p> <p>—NPO PRZ; <i>and</i></p> <p>—Pravdinsky Radio Plant.</p> <p>34 Gorky Street, Balakhna, Nizhny Novgorod Region, 606408, Russia.</p>	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	<p>Joint Stock Company Scientific Production Enterprise Plant Iskra, a.k.a., the following five aliases:</p> <p>—AO Nauchno-Proizvodstvennoe Predpriyatie Zavod Iskra;</p> <p>—AO NPP Zavod Iskra;</p> <p>—JSC Research and Production Enterprise Plant Iskra;</p> <p>—NPP Plant Iskra; <i>and</i></p> <p>—Zavod Iskra.</p> <p>75 Narimanov Avenue, Ulyanovsk, Ulyanovsk Region, 432030, Russia.</p>	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	<p>Joint Stock Company Scientific Research Institute of Modern Telecommunication Technologies, a.k.a., the following six aliases:</p> <p>—AO Nauchno-Issledovatel'skiy Institut Sovremennykh Telekommunikatsionnykh Tekhnologii;</p> <p>—AO NII STT;</p> <p>—JSC NII STT;</p> <p>—NII Modern Telecommunications Technologies;</p> <p>—NDI Modern Telecommunication Technologies; <i>and</i></p> <p>—Smolensk Research Institute of Modern Telecommunications Technologies.</p> <p>10 Novo-Leningradskaya Street, Smolensk, Smolensk Region, 214012, Russia.</p>	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	<p>Joint Stock Company Specialized Vector Experimental Design Bureau for Systems and Means of Measurement, a.k.a., the following four aliases:</p> <p>—AO SOKB Vektor;</p> <p>—JSC SOKB Vektor;</p> <p>—SOKB Vektor; <i>and</i></p> <p>—Spetsializirovannoye Opytno-Konstruktorskoye Byuro Sistem i Sredstv Izmereni Vektor.</p> <p>33 Mironovskaya Street, Building 26, Floor 4, Premises 2, Moscow, 105318, Russia.</p>	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	<p>Joint Stock Company State Scientific-Research Institute of Instrument Making, a.k.a., the following five aliases:</p> <p>—AO GosNIIP;</p> <p>—Gosudarstvennyy Nauchno-Issledovatel'skiy Institut Priborostroeniya;</p> <p>—GosNIIP;</p> <p>—JSC State Scientific-Research Institute of Instrument Making; <i>and</i></p> <p>—State Research Institute Engineering.</p> <p>125 Mira Avenue, Moscow, 129226, Russia.</p>	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	<p>Joint Stock Company Sukhoi Design Bureau Company, a.k.a., the following six aliases:</p> <p>—OAO Kompaniya Sukhoi OKB Sukhogo;</p> <p>—OKB Sukhoi Design Bureau OAO; <i>and</i></p> <p>—Sukhoi OKB;</p> <p>—Sukhoi Design Bureau;</p> <p>—Sukhoi Design Bureau Aviation Scientific-Industrial Complex; <i>and</i></p> <p>—Sukhoi Design Bureau JSC.</p> <p>P.O. Box 604, 23A Polikarpova Street, Moscow, 125284, Russia.</p>	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.

Country	Entity	License requirement	License review policy	Federal Register citation
	Joint Stock Company Uraltransmash, a.k.a., the following seven aliases: —AO Uralski Zavod Transportnogo Mashinostroeniya; —Uralski Zavod Transportnogo Mashinostroeniya, PAO; —JSC Uraltransmash; —Uraltransmash; —Urals Plant of Transportation Machinery Joint Stock Company; —Aksionernoe Obshchestvo Uralskiy Zavod Transportnogo Mashinostroeniya; <i>and</i> —The Urals Plant of Transportation Engineering. 29 Frontovyykh Brigad Street, Yekaterinburg, Sverdlovsk Region, 620017, Russia.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	Joint Stock Company Vega Radio Engineering Corporation, a.k.a., the following seven aliases: —AO Kontsern Vega; —Concern Vega; —JSC Concern Vega; —JSC Radio Engineering Corporation Vega; —Kontsern Radiostroeniya Vega; —Vega Radio Engineering Corporation; <i>and</i> —JSC Vega Corp. 34 Kutuzovskiy Avenue, Moscow, 121170, Russia.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	* * * Joint Stock Company Zavod No. 9, a.k.a., the following six aliases: —AO Zavod No. 9; —JSC Factory No. 9; —No. 9 Plant; —UVZ Zavod No. 9; —Zavod 9; <i>and</i> —Zavod 9 Yekaterinburg. 1-I Pyatiletki Square, Yekaterinburg, Sverdlovsk Region, 620012, Russia.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	* * * Medanta, 2 Sovetskaya Street, Aramil, Sverdlovsk Oblast, 624002, Russia.	For all items subject to the EAR. (See § 744.11 of the EAR).	Policy of denial .....	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	* * * Militech AO, Building 46, Mytnaya Street, Structure 5, Room 19, Moscow, 115162, Russia.	For all items subject to the EAR. (See § 744.11 of the EAR).	Policy of denial .....	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	Militech Trade LLC, a.k.a., the following one alias: —MTT. Building 46, Mytnaya Street, Structure 5, Room 20, Moscow, 115162, Russia.	For all items subject to the EAR. (See § 744.11 of the EAR).	Policy of denial .....	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	* * * Nobel Brothers Shipyard Limited Liability Company, a.k.a., the following three aliases: —Nobel Brothers Shipyard; —Nobel Brothers Shipyard LLC; <i>and</i> —OOO Verf Bratev Nobel. 60 Pyatiletki Street, Rybinsk, Yaroslavl Region, 152909, Russia.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	* * * OKB Luch Limited Liability Company, a.k.a., the following three aliases: —OKB-Luch; —OKB Luch LLC; <i>and</i> —OOO OKB Luch. 2B Kazanskaya Street, Arzamas, Nizhniy Novgorod Region, 607220, Russia; <i>and</i> 89 Arzamasskaya Street, Arzamas, Nizhniy Novgorod Region, 607249, Russia.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	* * * OOO Center for Non-Destructive Testing Technologies Sovtest, a.k.a., the following two aliases: —Sovtest TsTNK; <i>and</i> —Sovtest NDT. 135 Karl Marks Street, Kursk, Kursk Oblast, 305000, Russia.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial .....	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
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Country	Entity	License requirement	License review policy	Federal Register citation
	Open Joint Stock Company Russian Systems Corporation, a.k.a., the following four aliases: —JSC Russian Systems Corporation; —OAO Korporatsiya Russkiye Systemy; —OJSC Russian Systems Corporation; <i>and</i> —Russian Systems Corporation. 23 Pravda Street, Moscow, 127015, Russia.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	P.P. Shirshov Institute of Oceanology of the Russian Academy of Sciences, a.k.a., the following eight aliases: —Federalnoe Gosudarstvennoe Byudzhethoe Uchrezhdenie Nauki Institut Okeanologii Im. P.P. Shirshova Rossiiskoi Akademii Nauk; —Institut Okeanologii RAN; —Institut Okeanology imeni P.P. Shirshova RAN; —Institute of Oceanology RAN; —IO RAN; —IO RAS; —Shirshova Rossiyskoy Akademii Nauk; <i>and</i> —Shirshov Institute of Oceanology. 36 Nakhimovskiy Avenue, Moscow, 117218, Russia.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	Prom Composite Limited Liability Company, a.k.a., the following three aliases: —Prom Composite; —Prom Composite LLC; <i>and</i> —OOO Prom Kompozit. 110 Dmitrovskoye Highway, Moscow, 127411, Russia.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	Public Joint Stock Company Saturn, a.k.a., the following three aliases: —PJSC Saturn; —PAO Saturn; <i>and</i> —PAO Saturn Omsk. 41 Karl Marx Avenue, Omsk, Omsk Region, 644042, Russia.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	Public Joint Stock Company Scientific Production Enterprise Impulse, a.k.a., the following four aliases: —NPP Impulse; —PAO Nauchno-Proizvodstvennoe Predpriyatie Impuls; —PJSC Research and Production Association Impulse; <i>and</i> —PAO NPP Impulse. 102 Mira Avenue, Moscow, 129626, Russia.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	Russian Firearms Limited Liability Company, a.k.a., the following eight aliases: —RSO; —Russian Firearms LLC; —Russian Small Arms LLC; —Russian Shooting Weapons LLC; —Russian Firearms; —OOO Russkoe Strelkovoe Oruzhie; —Russkoye Strelkovoye Oruzhiye LLC; <i>and</i> —Russian Small Arms Company. 2/193 Deryabin Way, Room 49, Izhevsk, Udmurt Republic, 426006, Russia.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	Sky17 OOO, a.k.a., the following one alias: —Skai17 OOO. D. 19 K. 4 Kv. 368, Ul. Eletskaaya, Moscow 115583, Russia; <i>and</i> Radio St., 7, P. 1, Office 411, Moscow, 105005, Russia.	For all items subject to the EAR. (See § 744.11 of the EAR).	Policy of Denial .....	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	Sovtest ATE, a.k.a. the following two aliases: —OOO Sovtest ATE; <i>and</i> —Sovtest ATE LLC. 49/49A Volodarskogo Street, Kursk, Kursk Oblast, 305000, Russia; <i>and</i> 135 Karl Marks Street, Kursk, Kursk Oblast, 305000, Russia.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial .....	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.

Country	Entity	License requirement	License review policy	Federal Register citation
	Sovtest MTM OOO, a.k.a., the following two aliases: —Sovtest MTM; <i>and</i> —Sovtest MTM LLC. 49/49A Volodarskogo Street, Kursk, Kursk Oblast, 305000, Russia	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial .....	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	Sovtest-Servis OOO, a.k.a., the following two aliases: —Sovtest-Servis; <i>and</i> —Sovtest-Service LLC. 49/49A Volodarskogo Street, Kursk, Kursk Oblast, 305000, Russia	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial .....	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	Sovtest-Tekhnno OOO, a.k.a., the following two aliases: —Sovtest-Tekhnno; <i>and</i> —Sovtest-Tekhnno LLC. 49/49A Volodarskogo Street, Kursk, Kursk Oblast, 305000, Russia	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial .....	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	Symphony LLC, a.k.a., the following one alias: —OOO Simfoniya. 15 Yakovoapostolsky Lane, Moscow, 105064, Russia.	For all items subject to the EAR. (See § 744.11 of the EAR).	Policy of denial .....	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	T-Komponent SP, a.k.a., the following one alias: —T-Component SP. 7 Konstitutsii Square, Office 614, Litera A, Novoizmailovskoe Municipal District, Saint Petersburg, 196191, Russia; <i>and</i> 153 Prospekt Leninskii, Room 60N, Office 215, Floor 2, Saint Petersburg, 196247, Russia.	For all items subject to the EAR. (See § 744.11 of the EAR).	Policy of denial .....	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	UK PT Sovtest OOO, a.k.a., the following four aliases: —OOO Upravliyayushchaya Kompaniya Promyshlenny Tekhnopark Sovtest; —Management Company Industrial Tekhnopark Sovtest; —UK PT Sovtest; <i>and</i> —UK PT Sovtest LLC. 49/49A Volodarskogo Street, Kursk, Kursk Oblast, 305000, Russia	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial .....	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	VR-Technologies Limited Liability Company, a.k.a., the following six aliases: —OOO VR-Tekhnologii; —Vertoletnye Systemy, OOO; —VR Tech; —VR-Technologies; —VR Technologies LLC; <i>and</i> —VR-Technologies of Russian Helicopters. 12 Krasnopresnenskaya Embankment, Center of International Trade, Premises 1/13, Moscow, 123610, Russia.	For all items subject to the EAR. (See §§ 734.9(g), <sup>3</sup> 746.8(a)(3), and 744.21(b) of the EAR).	Policy of denial for all items subject to the EAR apart from food and medicine designated as EAR99, which will be reviewed on a case-by-case basis. See §§ 746.8(b) and 744.21(e).	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
SOUTH KOREA .....	Daesung International Trading, a.k.a. the following two aliases: —Daesung International Trade; <i>and</i> —Dae Sung International Trading. 716 Sangdong-ro, Sangdong-myeon, Gimhae, Gyeongsangnam-do, South Korea.	For all items subject to the EAR. (See § 744.11 of the EAR).	Policy of denial .....	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
TURKEY .....	Alesta World Dis Ticaret Ltd, a.k.a., the following one alias: —Alesta World Dis Ticaret Limited Sirketi. Inonu Mah. Ulusu Cad. Ruzgar Sk. Deniz, Apt No:10, D:4, Atasehir, Istanbul, Turkey; <i>and</i> No:7–10 Inonu Mahallesi, Ruzgar Sokak, Atasehir, Istanbul, 34755, Turkey.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial .....	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.

Country	Entity	License requirement	License review policy	Federal Register citation
	Azu International Bilgi Teknolojileri Ve Dis Ticaret Limited Sirketi, a.k.a., the following two aliases: —Azu International Information Technologies and Foreign Trade Limited Company; and —Azu International Ltd Sti. Huseyinaga neighborhood Istiklal St., Grandpera Block No: 56–58 Inner door No: 5, Beyoglu, Istanbul, Turkey.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial .....	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	Bion Group Ic Ve Dis Ticaret Limited Sirketi, a.k.a., the following two aliases: —Bion Trade Group Limited; and —Bion Group Ltd Sti. Maslak Mah. Büyükdere Cad. Noramin İş Merkezi No: 237 İç Kapi No: 202—Sarıyer Istanbul, Turkey. (See alternate address under China).	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial .....	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	Cozum Yazılım Donanim Elektronik Ic Ve Dis Tic A S, a.k.a., the following one alias: —Cozum Yazılım Donanim A S. No:54/B Gazi Mustafa Kemal Bulvarı, Maltepe, Cankaya, Ankara, 06570, Turkey; and GMK. Bulvarı, No: 54/B, 06570, Maltepe/Ankara, Turkey; and Zübeyde Hanım Mah. Kazım, Karabekir Cd. No:27/1, Altındağ/Ankara, Turkey; and Yukarı Dudullu Mah. Necip, Fazıl Blv. Keyap Çarşısı Sit. G2, Blk. No:125 Ümraniye/Istanbul, Turkey; and Niyazi Mahallesi Tuna Sokak, No:4 Ilıcak Plaza Kat:3 İç Kapi, No:14 Battalgazi/Malatya, Turkey; and No.11 Sarigazi, Meclis Mah. Ataturk Cad. Kanarya Sok. Umraniye Istanbul, 34764, Turkey.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial .....	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	CTL Dis Ticaret Limited Sirketi, Nispetiye Mah. Gazi Güçnar Sk. Uygur İş Merkezi Blok No: 4 İç Kapi No: 2 Beşiktaş/Istanbul, Turkey.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial .....	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	CTM Dis Ticaret Ltd. Sti., a.k.a., the following four aliases: —CTM International Trade LLC; —CTM International Trade Ltd.; —CTM Lojistik; and —Armax Ballistics. Hilal Mahallesi Holzmeister Caddesi 14/B Çankaya 06550, Ankara, Turkey; and İrfan Başbuğ Cd. No:231 Keçiören/Ankara, Turkey; and 17–66 Portakal Cicegi Sokak, Cankaya, Ankara, Turkey.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial .....	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	Ervacan Makina Ekipmanları ve Sanayi Tedarik Ltd Şti., a.k.a., the following six aliases: —Ervacan; —Ervacan Makina Ekipmanları Ve Sanayi Tedarik Ltd. Sti.; —Ervacan Machinery Equipment and Industry Supply Ltd.; —Ervacan Makina; —Ervacan Makina Ekipmanları Ve Sanayi Tedarik Limited Sirketi; and —Ervacan Makina Ltd. Küçükbakkalköy Mah., Defne Sok., Flora Suite Office, KNo: 1, DNo: 365, PK, 34750, Ataşehir, İstanbul, Turkey.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial .....	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.



Country	Entity	License requirement	License review policy	Federal Register citation
	Karasani Dis Ticaret Limited Sirketi, a.k.a., the following 11 aliases: —Karasani Group Companies; —Karasani Trade; —Karasani Logistic; —Karasani Packing; —Karvan International Logistics; —Karasani Foreign Trade Limited Company; —Arizai Gida Ticaret Limited Sirketi; —Improtex Foreign Trade Limited Liability Company; —Improtex LLC; —Improtex; <i>and</i> —Improtex Dis Ticaret Limited Sirketi. Selale Caddesi No. 13E, Bahcesehir 2, Kısım Mahallesi, Basaksehir, Istanbul, Turkey; <i>and</i> Cevval Sokak No: 1/3, Ic Kapi No: 180, Cumhuriyet Mahallesi, Buyukcekmece, Istanbul, 34500, Turkey.	For all items subject to the EAR. (See § 744.11 of the EAR).	Policy of denial .....	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	Kayi Bilişim Elektronik Enerji Madencilik Ve Danismanlik Ltd. Şti., a.k.a., the following one alias: —Kayi Enerji. No:1 İvedik OSB Mahallesi, 2224 Caddesi, Yenimahalle, Ankara 06378, Turkey.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial .....	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	Megasan Elektronik Ticaret Ve Sanayi A.S., One Block Umraniye Blok, No:16–72 Fatih Sultan Mahallesi, Depoyolu Sokak, Umraniye, Istanbul 34771, Turkey; <i>and</i> Poligon Caddesi, Oneblock İş Merkezi Kat:11, Umraniye, Istanbul 34771, Turkey; <i>and</i> Perpa Ticaret Merkezi no 1409 Kat 11, Istanbul, 34384, Turkey; <i>and</i> Beylikdüzü Organize Sanayi Mahallesi Mermerciler Sanayi Sitesi 5. Cad. No:15 Beylikdüzü, Istanbul, Turkey.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial .....	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	Miray Global Sanayi Ve Ticaret, a.k.a., the following two aliases: —Miray Global Havacilik Sanayi Ve Ticaret As; <i>and</i> —United Aviation Solutions. Altinova Orta Mah., 30 Nolu Sok., A Blok, Sitesi Yilmaz Turk Sit. Blok No: 14A/2 Kepez, Antalya, Turkey; <i>and</i> Antalya Airport Service Buildings Zone A Gate No.44, A Muratpaşa/Antalya, Turkey.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial .....	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	Orel Dis Ticaret Ltd., a.k.a., the following two aliases: —Orel Dis Ticaret Limited Sirketi; <i>and</i> —Orel Foreign Trade Limited Company. 632. Sokak No. 6/A, Alaaddinbey Mahallesi, Nilufer, Bursa, 16120, Turkey.	For all items subject to the EAR. (See § 744.11 of the EAR).	Policy of denial .....	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	Ramses Turizm Isletmesi Danismanlik, a.k.a., the following alias: —RMS Technic. Yenigol Mah. Serik Cad. Antalya Havalimani No: 100 Muratpasa, Antalya, Turkey.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial .....	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	Smart Trading Tasimacilik San Ve Tic Ltd Sti, a.k.a., the following one alias: —Smart Trading Transportation Industry and Trade Limited Company. Esentepe Mah, 1 Harman St., Duran Business Center, Building 4, Door 8, Sisli, Istanbul, Turkey.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial .....	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	Svista Turizm Ve Havacilik Dis, a.k.a., the following alias: —Svista Turizm Ve Havacilik Dis Tic Ltd Sti Antalya Sb. Yenigol Mah. Serik Cad. Antalya Havalimani Sit. No: 100 Muratpasa, Antalya, Turkey; <i>and</i> No: 42 Albatros Sokak, Bahcesehir 1 Kısım Mahallesi, Basaksehir Istanbul, 34488, Turkey.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial .....	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.

Country	Entity	License requirement	License review policy	Federal Register citation
	Transeurope Bilişim Dış Ticaret Limited Şirketi, a.k.a., the following one alias: —Trans Europe Bilisim Dis Ticaret Ltd Sti. Kışla Mah. 37 Sk. Cengizhan Apt. No: 6 İç Kapi No. 102, Muratpasa/Antalya, Turkey.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial .....	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	*	*	*	*
	*	*	*	*
UNITED ARAB EMIRATES.				
	Crynofist Aviation, a.k.a., the following two aliases: —Crynofist Aviation Fzco; and —Crynofist Design and Engineering Solutions Pvt Ltd. 9WB 159–SO–26, First Floor, 9WB, Dubai Airport Freezone, Dubai, United Arab Emirates. (See alternate address under India).	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial .....	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	*	*	*	*
	Lucky Star General Trading LLC, Airport Cargo Village, Agents Building 2013, Dubai, Dubai, United Arab Emirates; and P.O. Box 62647, Dubai, United Arab Emirates; and Office 23, King of Sheikh Manea bin Khalifa Bin Saeed Al Maktoum, Ras Al Khor Industrial Area 1, P.O. Box 120300, Dubai, United Arab Emirates; and Office No 310, Rashid Almajid Bin Quraiban Building, Parcel 118–813, Naif, Deira, Dubai, United Arab Emirates.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial .....	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	*	*	*	*
	Marakish Express Cargo LLC, a.k.a., the following one alias: —MEC International. Warehouse #1205, Old Agents Building, Dubai Cargo Village, Dubai, United Arab Emirates; and P.O. Box 293004, Dubai, United Arab Emirates; and Shop No 2048, Department of Civil Aviation Building, Cargo Village, Deira, Dubai, United Arab Emirates.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial .....	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	*	*	*	*
	Payload Cargo LLC, a.k.a., the following one alias: —Payload Cargo LCC. Suite 212 E-Block Freight Gate 5, Dnata Building, Dubai, United Arab Emirates; and Suite 302, E Block, FG 5, Dubai Airport Free Zone, Dubai, United Arab Emirates; and P.O. Box 29300, Dubai, United Arab Emirates; and Suite 2026, Dubai Cargo Village, Dubai, United Arab Emirates.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial .....	89 FR [INSERT FR PAGE NUMBER] 2/27/2024.
	*	*	*	*
	*	*	*	*

<sup>3</sup>For this entity, “items subject to the EAR” includes foreign-produced items that are subject to the EAR under § 734.9(g) of the EAR. See §§ 746.8 and 744.21 of the EAR for related license requirements, license review policy, and restrictions on license exceptions.

Alan F. Estevez,  
Under Secretary of Commerce for Industry  
and Security.  
[FR Doc. 2024–03969 Filed 2–23–24; 8:45 am]  
BILLING CODE 3510–JT–P

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### 15 CFR Part 744

[Docket No. 240215–0049]

RIN 0694–AJ53

#### Additions of Entities, Revisions of Entries, and Removal of an Entity From the Entity List

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

ACTION: Final rule.

**SUMMARY:** The Bureau of Industry and Security is amending the Export Administration Regulations (EAR) by adding two entities under seven entries to the Entity List. These entities are listed under the destinations of Canada (1), the People’s Republic of China (China) (1), India (1), Japan (1), Malaysia (1), Sweden (1), and the United Arab Emirates (UAE) (1). Some entities are added under multiple entries, accounting for the difference in the totals. This final rule also modifies two

existing entries on the Entity List under the destination of China. This final rule removes one entity under the destination of the UAE.

**DATES:** This rule is effective February 27, 2024.

**FOR FURTHER INFORMATION CONTACT:** Chair, End-User Review Committee, Office of the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, Phone: (202) 482-5991, Email: [ERC@bis.doc.gov](mailto:ERC@bis.doc.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

The Entity List (supplement no. 4 to part 744 of the EAR (15 CFR parts 730–774)) identifies entities for which there is reasonable cause to believe, based on specific and articulable facts, that the entities have been involved, are involved, or pose a significant risk of being or becoming involved in activities contrary to the national security or foreign policy interests of the United States, pursuant to § 744.11(b). The EAR impose additional license requirements on, and limit the availability of, most license exceptions for exports, reexports, and transfers (in-country) where a listed entity is a party to the transaction. The license review policy for each listed entity is identified in the “License Review Policy” column on the Entity List, and the impact on the availability of license exceptions is described in the relevant **Federal Register** document that adds the entity to the Entity List. The Bureau of Industry and Security (BIS) places entities on the Entity List pursuant to part 744 (Control Policy: End-User and End-Use Based) and part 746 (Embargoes and Other Special Controls) of the EAR.

The End-User Review Committee (ERC), composed of representatives of the Departments of Commerce (Chair), State, Defense, Energy and, where appropriate, the Treasury, makes all decisions regarding additions to, removals from, or other modifications to the Entity List. The ERC makes all decisions to add an entry to the Entity List by majority vote and makes all decisions to remove or modify an entry by unanimous vote.

*Additions to the Entity List*

The ERC determined to add Chengdu Beizhan Electronics Co. Ltd., to the Entity List under the destination of China for acquiring and attempting to acquire U.S.-origin items on behalf of the University of Electronic Science and Technology, an entity on the BIS Entity List. These activities are contrary to U.S.

national security and foreign policy interests under § 744.11 of the EAR. This entity is added with a license requirement for all items subject to the EAR. The entity is added with a license review policy of a presumption of denial.

The ERC determined to add Sandvine Incorporated, under the destinations of Canada, India, Japan, Malaysia, Sweden, and the United Arab Emirates to the Entity List. This addition is being made based on information that Sandvine supplies deep packet inspection technology to the Government of Egypt, where it is used in mass web-monitoring and censorship to block news as well as target political actors and human rights activists. These activities are contrary to the national security and foreign policy interests of the United States under § 744.11 of the EAR. These entities are added with a license requirement for all items subject to the EAR. They are added with a license review policy of a presumption of denial.

For the reasons described above, this final rule adds the following 2 entities under 7 entries to the Entity List and includes, where appropriate, aliases:

Canada

- Sandvine Incorporated.

China

- Chengdu Beizhan Electronics Co., Ltd.

India

- Sandvine Incorporated.

Japan

- Sandvine Incorporated.

Malaysia

- Sandvine Incorporated.

Sweden

- Sandvine Incorporated.

United Arab Emirates

- Sandvine Incorporated.

*Modifications to the Entity List*

This final rule implements the decision of the ERC to modify two existing entries on the Entity List, both under the destination of China. The ERC determined to revise the entry for Beijing China Aviation Technology Co., Ltd., by adding an alias to the entry for a total of five aliases. In addition, the ERC determined to revise the entry for Rayscience Optoelectronics Innovation Co., Ltd., to add one alias and one additional address.

*Removal From the Entity List*

The ERC determined to remove Jazirah Aviation Club under the

destination of the UAE from the Entity List based on the review the ERC conducted in accordance with the procedures described in supplement no. 5 to part 744 of the EAR.

*Savings Clause*

For the changes being made in this final rule, shipments of items removed from eligibility for a License Exception or export, reexport, or transfer (in-country) without a license (NLR) as a result of this regulatory action that were en route aboard a carrier to a port of export, reexport, or transfer (in-country), on February 27, 2024, pursuant to actual orders for export, reexport, or transfer (in-country) to or within a foreign destination, may proceed to that destination under the previous eligibility for a License Exception or export, reexport, or transfer (in-country) without a license (NLR) before March 28, 2024. Any such items not actually exported, reexported or transferred (in-country) before midnight, on March 28, 2024, require a license in accordance with this final rule.

**Export Control Reform Act of 2018**

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

**Rulemaking Requirements**

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

2. Notwithstanding any other provision of law, no person is required to respond to or be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This regulation involves collections previously approved by OMB under control number 0694–0088, Simplified Network Application Processing System, which includes, among other things, license applications and commodity classifications, and carries a burden estimate of 29.4 minutes for a manual or electronic submission for a total burden estimate of 33,133 hours. Total burden hours associated with the PRA and OMB control number 0694–0088 are not

expected to increase as a result of this rule.

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

4. Pursuant to § 1762 of the Export Control Reform Act of 2018, this action is exempt from the Administrative Procedure Act (5 U.S.C. 553) requirements for notice of proposed rulemaking, opportunity for public participation, and delay in effective date.

5. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, are not applicable. Accordingly, no regulatory flexibility analysis is required and none has been prepared.

#### List of Subjects in 15 CFR Part 744

Exports, Reporting and recordkeeping requirements, Terrorism.

Accordingly, part 744 of the Export Administration Regulations (15 CFR parts 730–774) is amended as follows:

#### PART 744—CONTROL POLICY: END-USER AND END-USE BASED

■ 1. The authority citation for part 744 continues to read as follows:

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

■ 2. Supplement No. 4 to part 744 is amended by:

■ a. Under CANADA, adding an entry in alphabetical order for “Sandvine Incorporated;”

■ b. Under CHINA, PEOPLE’S REPUBLIC OF:

■ i. Revising the entry for “Beijing China Aviation Technology Co., Ltd.,” and

■ ii. Adding an entry in alphabetical order for “Chengdu Beizhan Electronics Co., Ltd.,” and

■ iii. Revising the entry for “Rayscience Optoelectronics Innovation Co., Ltd.,”

■ c. Under INDIA, adding an entry in alphabetical order for “Sandvine Incorporated;”

■ d. Under JAPAN, adding an entry in alphabetical order for “Sandvine Incorporated;”

■ e. Under MALAYSIA, adding an entry in alphabetical order for “Sandvine Incorporated;”

■ f. Under SWEDEN adding an entry in alphabetical order for “Sandvine Incorporated;”

■ g. Under UNITED ARAB EMIRATES:

■ i. Removing the entry for “Jazirah Aviation Club;” and

■ ii. Adding an entry in alphabetical order for “Sandvine Incorporated.”

The revisions and additions read as follows:

#### Supplement No. 4 to Part 744—Entity List

\* \* \* \* \*

Country	Entity	License requirement	License review policy	Federal Register citation
* * *	* * *	* * *	* * *	* * *
CANADA .....	Sandvine Incorporated, a.k.a., the following one alias: —Sandvine Inc. 408 Albert St., Suite 201, Waterloo, Ontario, N2L 3V3, Canada. (See alternate addresses under India, Japan, Malaysia, Sweden, and the United Arab Emirates)	For all items subject to the EAR (See § 744.11 of the EAR).	Presumption of denial .....	89 FR [INSERT FR PAGE NUMBER AND February 27, 2024.
* * *	* * *	* * *	* * *	* * *
CHINA, PEOPLE’S REPUBLIC OF.	Beijing China Aviation Technology Co., Ltd., a.k.a. the following five aliases: —BCAT Aviation; —B-CAT; —BCAT; —Beijing Zhongxun Technology Co., Ltd.; <i>and</i> —Stratos. No. 18, Kaixuan Street, Liangxiang District, Fangshan District, Beijing, D3768, China; and No. 18, Cailida Road, Liang Tang Street, Liangxiang District, Fangshan District, Beijing, China; and Beijing Yizhuang Economic and Technological Development Zone No. 29 Council of Hai Second Road Zhongxing Science and Technology Park, China.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial .....	88 FR 38741, 06/12/23. 89 FR [INSERT FR PAGE NUMBER February 27, 2024.
* * *	* * *	* * *	* * *	* * *
	Chengdu Beizhan Electronics Co., Ltd., a.k.a. the following two aliases: —Chengdu Beizhang Electronics Co.; <i>and</i> —Chengdu North China Electronics Co., Ltd.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial .....	89 FR [INSERT FR PAGE NUMBER February 27, 2024.

Country	Entity	License requirement	License review policy	Federal Register citation
	Rm. 203, Yifu Building, University of Electronic Science and Technology of China, No. 4, Section 2 North Jianshe Road, Chengdu, 610054, China; and No. 923, Bin Fen/Bifen Holiday International, Building No 2, Baisi Street, Qing Yang District, Chengdu, 610054, China; and Room 906, Block B, Oaks Plaza, No. 666, Jincheng Avenue, High-tech Zone, Chengdu, 610054, China.			
	Rayscience Optoelectronics Innovation Co., Ltd., a.k.a., the following one alias: —Collective Enterprise Limited. 3rd Floor, Building 47, No. 2338, Duhui Road, Minhang District, Shanghai, China; and 5F, Building 21, Duhui Road 2338 Lane, Shanghai, China; and Ste. 306, Building 1, Shennan Road 59, Shanghai, China; and Unit 3A, 5F, Far East Consortium Building 21 Des Voeux Road Central HK01, Hong Kong; and Flat B 607, 6/F Jumbo Industrial Building, Hong Kong; and Room 2107, 21/F CCWU Building, 302–308 Hennessy Road, Wanchai, Hong Kong.	For all items subject to the EAR. (See § 744.11 of the EAR).	See § 744.3(d) of the EAR88 FR 13675, 3/6/23..	89 FR [INSERT FR PAGE NUMBER February 27, 2024.
INDIA .....	Sandvine Incorporated, a.k.a., the following one alias: —Sandvine Inc. Ariga Ecoworld, Building-1, Ground Floor, East Wing Devarabeesanahalli, Bellandur, Outer Ring Road, Bangalore, 560103, India. (See alternate addresses under Canada, Japan, Malaysia, Sweden, and the United Arab Emirates)	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial .....	89 FR [INSERT FR PAGE NUMBER February 27, 2024.
JAPAN .....	Sandvine Incorporated, a.k.a., the following one alias: —Sandvine Inc. 6F PO Higashi Shimbashi, 2–12–1 Higashi Shimbashi, Minato-ku, Tokyo, 105–0021, Japan. (See alternate addresses under Canada, India, Malaysia, Sweden, and the United Arab Emirates)	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial .....	89 FR [INSERT FR PAGE NUMBER February 27, 2024.
MALAYSIA .....	Sandvine Incorporated, a.k.a., the following one alias: —Sandvine Inc. E–13A–19, 20 & 21, Block E, Plaza Mont Kiara, Mont Kiara, Kuala Lumpur, 50480, Malaysia. (See alternate addresses under Canada, India, Japan, Sweden, and the United Arab Emirates)	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial .....	89 FR [INSERT FR PAGE NUMBER February 27, 2024.
SWEDEN .....	Sandvine Incorporated, a.k.a., the following one alias: —Sandvine Inc. Neptunigatan 1, 211 20, Malmo, Sweden and Svardfiskgatan 4, 432 40, Varberg, Sweden. (See alternate addresses under Canada, India, Japan, Malaysia, and the United Arab Emirates)	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial .....	89 FR [INSERT FR PAGE NUMBER February 27, 2024.

Country	Entity	License requirement	License review policy	Federal Register citation
	*	*	*	*
	*	*	*	*
UNITED ARAB EMIRATES.	Sandvine Incorporated, a.k.a., the following one alias: —Sandvine Inc. Business Central Tower, A BLOCK, 28th floor, Office No. 2805/06/07/08, Dubai Media City, United Arab Emirates. (See alternate addresses under Canada, India, Japan, and Malaysia.)	For all items subject to the EAR (See § 744.11 of the EAR).	Presumption of denial .....	89 FR [INSERT FR PAGE NUMBER February 27, 2024.
	*	*	*	*
	*	*	*	*

\* \* \* \*

**Thea D. Rozman Kendler,**  
Assistant Secretary for Export  
Administration.

[FR Doc. 2024–03674 Filed 2–26–24; 8:45 am]

BILLING CODE 3510–33–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**21 CFR Parts 510, 520, 522, 524, 529, 556, and 558**

[Docket No. FDA–2023–N–0002]

### New Animal Drugs; Approval of New Animal Drug Applications; Withdrawal of Approval of New Animal Drug Applications, Change of Sponsor, Change of Sponsor Address

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule; technical amendments.

**SUMMARY:** The Food and Drug Administration (FDA or we) is amending the animal drug regulations to reflect application-related actions for new animal drug applications (NADAs) and abbreviated new animal drug applications (ANADAs) during October, November, and December 2023. The animal drug regulations are also being amended to improve their accuracy and readability.

**DATES:** This rule is effective February 27, 2024.

**FOR FURTHER INFORMATION CONTACT:** George K. Haibel, Center for Veterinary Medicine (HFV–6), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240–402–5689, [george.haibel@fda.hhs.gov](mailto:george.haibel@fda.hhs.gov).

#### SUPPLEMENTARY INFORMATION:

### I. Approvals

FDA is amending the animal drug regulations to reflect approval actions for NADAs and ANADAs during October, November, and December 2023, as listed in table 1. In addition, FDA is informing the public of the availability, where applicable, of documentation of environmental review required under the National Environmental Policy Act (NEPA) and, for actions requiring review of safety or effectiveness data, summaries of the basis of approval (FOIA Summaries) under the Freedom of Information Act (FOIA). These documents, along with marketing exclusivity and patent information, may be obtained at Animal Drugs @FDA: <https://animaldrugsatfda.fda.gov/adafda/views/#/search>.

TABLE 1—ORIGINAL AND SUPPLEMENTAL NADAs AND ANADAs APPROVED DURING OCTOBER, NOVEMBER, AND DECEMBER 2023 REQUIRING EVIDENCE OF SAFETY AND/OR EFFECTIVENESS

Date of approval	File No.	Sponsor (drug labeler code)	Product name	Effect of the action	21 CFR section
October 11, 2023 .....	141–572	Virbac AH, Inc., P.O. Box 162059, Fort Worth, TX 76161 (051311).	AYRADIA (metronidazole) oral solution.	Original approval for the treatment of <i>Giardia duodenalis</i> infection in dogs.	520.1425
October 13, 2023 .....	141–336	ECO LLC, 344 Nassau St., Princeton, NJ 08540 (066916).	AIVLOSIN (tylvalosin tartrate) Water Soluble Granules.	Supplemental approval adding females intended for breeding to approved classes of swine.	520.2645
October 20, 2023 .....	141–564	Pharmgate Inc., 1800 Sir Tyler Rd., Wilmington, NC 28405 (069254).	PENNCHLOR (chlortetracycline Type A medicated article) and RUMENSIN (monensin Type A medicated article).	Original approval for treatment of bacterial enteritis and pneumonia; and for increased rate of weight gain or prevention and control of coccidiosis in replacement beef and dairy heifers.	558.128
November 8, 2023 .....	200–758	Felix Pharmaceuticals Pvt. Ltd., 25–28 North Wall Quay, Dublin 1, Ireland (086101).	Enrofloxacin Injectable Solution .....	Original approval for treatment and control of bovine respiratory disease (BRD) in beef cattle and non-lactating dairy cattle and swine respiratory disease (SRD) and control of colibacillosis in groups or pens of weaned pigs, as a generic copy of NADA 141–068.	522.812

TABLE 1—ORIGINAL AND SUPPLEMENTAL NADAs AND ANADAs APPROVED DURING OCTOBER, NOVEMBER, AND DECEMBER 2023 REQUIRING EVIDENCE OF SAFETY AND/OR EFFECTIVENESS—Continued

Date of approval	File No.	Sponsor (drug labeler code)	Product name	Effect of the action	21 CFR section
November 17, 2023 .....	141–580	Orion Corp., Orionintie 1, 02200 Espoo, Finland (052483).	BONQAT (pregabalin) Oral Solution	Original approval for alleviation of acute anxiety and fear associated with transportation and veterinary visits in cats.	520.1892
December 14, 2023 .....	141–502	Zoetis Inc., 333 Portage St., Kalamazoo, MI 49007 (054771).	REVOLUTION PLUS (selamectin and sarolaner topical solution).	Supplemental approval for the treatment and control of tick infestations with <i>Amblyomma americanum</i> (lone star tick) in cats and kittens 8 weeks of age and older, and weighing 2.8 pounds or greater.	524.2099
December 21, 2023 .....	200–760	Cronus Pharma Specialties India Private Ltd., Sy No-99/1, M/s GMR Hyderabad Aviation SEZ Ltd., Mamidipalli Village, Shamshabad Mandal, Ranga Reddy, Hyderabad, Telangana, 501218, India (069043).	FLORFENJECT (florfenicol) Injectable Solution.	Original approval for treatment of bovine respiratory disease (BRD) and bovine interdigital phlegmon; and for the control of respiratory disease in cattle at high risk of developing BRD, as a generic copy of NADA 141–063.	522.955
December 22, 2023 .....	200–762	Do .....	CAROFENVET (carprofen) Injectable Solution.	Original approval for the relief of pain and inflammation associated with osteoarthritis and for the control of postoperative pain associated with soft tissue and orthopedic surgeries, as a generic copy of NADA 141–199.	522.304
December 22, 2023 .....	200–764	Do .....	ENROPRO 22.7 (enrofloxacin) Injectable Solution.	Original approval for the management of diseases in dogs associated with bacteria susceptible to enrofloxacin, as a generic copy of NADA 140–913.	522.812
December 22, 2023 .....	200–765	Do .....	ENROPRO 100 (enrofloxacin) Injectable Solution.	Original approval for treatment and control of bovine respiratory disease (BRD) in beef cattle and non-lactating dairy cattle and swine respiratory disease (SRD) and control of colibacillosis in groups or pens of weaned pigs, as a generic copy of NADA 141–068.	522.812

**II. Withdrawals of Approval**

ADM Animal Nutrition, Inc., 1000 North 30th St., Quincy, IL 62305–3115

(drug labeler code 012286) requested that FDA withdraw approval of the four NADAs listed in table 2 because the products are no longer manufactured or

marketed. As provided in the regulatory text of this document, the animal drug regulations are amended to reflect these actions.

TABLE 2—APPLICATIONS FOR WHICH APPROVAL WAS VOLUNTARILY WITHDRAWN DURING OCTOBER, NOVEMBER, AND DECEMBER 2023

Date of withdrawal of approval	File No.	New animal drug	21 CFR section
November 14, 2023 .....	030–578	E–Z–EX Wormer Pellets (thiabendazole) .....	n/a
Do .....	042–910	E–Z–EX WORMER MINTRATE Block (thiabendazole) Mineral Protein Block .....	558.600
Do .....	118–877	BAN–A–WORM (pyrantel tartrate) Ton Pack .....	n/a
Do .....	132–448	FLAVOMYCIN (bambermycins) Type A Medicated Article .....	558.95

**III. Change of Sponsor**

The sponsors of the approved applications listed in table 3 have

informed FDA that they have transferred ownership of, and all rights and interest in, these applications to another

sponsor. The regulations cited in table 3 are amended to reflect these actions.

TABLE 3—APPLICATIONS FOR WHICH OWNERSHIP WAS TRANSFERRED TO ANOTHER SPONSOR DURING OCTOBER, NOVEMBER, AND DECEMBER 2023

File No.	Product name	Transferring sponsor (drug labeler code)	New sponsor (drug labeler code)	21 CFR section
200–237 ...	Isoflurane, U.S.P .....	Piramal Pharma Ltd., Ground Floor, Piramal Ananta, Agastya Corporate Park, Mumbai, Maharashtra, 400070, India (065085).	Piramal Critical Care, Inc., 3850 Scheldens Circle, Bethlehem, PA 18017 (066794).	529.1186

TABLE 3—APPLICATIONS FOR WHICH OWNERSHIP WAS TRANSFERRED TO ANOTHER SPONSOR DURING OCTOBER, NOVEMBER, AND DECEMBER 2023—Continued

File No.	Product name	Transferring sponsor (drug labeler code)	New sponsor (drug labeler code)	21 CFR section
200–576 ...	Gentamicin Sulfate Ophthalmic Solution ...	Akorn Operating Co. LLC, 5605 Centerpoint Ct., Suite A, Gurnee, IL 60031 (059399).	Domes Pharma S.A., ZAC de Champ Lamet, 3 rue Andre Citroen, Pont-du-Chateau, Auvergne-Rhône-Alpes, 63430, France (086189).	524.1044a
200–670 ...	SENERGY (selamectin) Topical Solution ...	Chanelle Pharmaceuticals Manufacturing Ltd., Loughrea, County Galway, Ireland (061651).	Virbac AH, Inc., P.O. Box 162059, Fort Worth, TX 76161 (051311).	524.2098
200–700 ...	PARASEDGE Multi for Dogs (Imidacloprid and moxidectin).	Do .....	Do .....	524.1146
200–701 ...	PARASEDGE Multi for Cats (Imidacloprid and moxidectin).	Do .....	Do .....	524.1146

**IV. Change of Sponsor Address**

Accord Healthcare, Inc. 1009 Slater Rd., Suite 210–B, Durham, NC 27703 (drug labeler code 016729 in 21 CFR 510.600(c)) has informed FDA that it has changed its address to 126 E Lincoln Ave., Rahway, NJ 07065. The entries in § 510.600(c) are amended to reflect this action.

**V. Technical Amendments**

FDA is making the following amendments to improve the accuracy of the animal drug regulations.

- 21 CFR 520.1408 is revised to reflect all approved strengths of methylprednisolone tablets for dogs and cats.
- 21 CFR 556.730 is removed because there are no approved products containing thiabendazole for use in food-producing animals.
- 21 CFR 558.4(d) is being revised in the Category II table by removing the row entry for “Thiabendazole” because there are no longer any approved feed products for use in food-producing animals.
- 21 CFR 558.128 is revised to reflect withdrawal periods for different

applications approved for use of chlortetracycline in cattle feed.

**VI. Legal Authority**

This final rule is issued under section 512(i) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360b(i)). Although deemed a rule pursuant to the FD&C Act, this document does not meet the definition of “rule” in 5 U.S.C. 804(3)(A) because it is a “rule of particular applicability” and is not subject to the congressional review requirements in 5 U.S.C. 801–808. Likewise, this is not a rule subject to Executive Order 12866.

**List of Subjects****21 CFR Part 510**

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

**21 CFR Parts 520, 522, 524, and 529**

Animal drugs.

**21 CFR Part 556**

Animal drugs, Food.

**21 CFR Part 558**

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR parts 510, 520, 522, 524, 529, 556, and 558 are amended as follows:

**PART 510—NEW ANIMAL DRUGS**

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

**Authority:** 21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e.

- 2. In § 510.600, in the table in paragraph (c)(1), revise the entry for “Accord Healthcare, Inc.”; and in the table in paragraph (c)(2), revise the entry for “016729” to read as follows:

**§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.**

\* \* \* \* \*

(c) \* \* \*

(1) \* \* \*

Firm name and address	Drug labeler code
* * * * *	*
Accord Healthcare, Inc., 126 E Lincoln Ave., Rahway, NJ 07065 .....	016729
* * * * *	*

(2) \* \* \*

Drug labeler code	Firm name and address
* * * * *	*
016729 .....	Accord Healthcare, Inc., 126 E Lincoln Ave., Rahway, NJ 07065.
* * * * *	*



## PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

■ 3. The authority citation for part 520 continues to read as follows:

Authority: 21 U.S.C. 360b.

■ 4. In § 520.1408, revise paragraph (b) to read as follows:

### § 520.1408 Methylprednisolone.

\* \* \* \* \*

(b) *Sponsors*. See Nos. 054771 and 069043 in § 510.600(c) of this chapter.  
\* \* \* \* \*

■ 5. Add § 520.1425 to read as follows:

### § 520.1425 Metronidazole.

(a) *Specifications*. Each milliliter of suspension contains 125 milligrams (mg) metronidazole.

(b) *Sponsor*. See No. 051311 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Amount*. Administer 25 mg per kilogram (11.3 mg per pound) of body weight twice daily for 5 consecutive days.

(2) *Indications for use*. For the treatment of *Giardia duodenalis* infection in dogs.

(3) *Limitations*. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

■ 6. Add § 520.1892 to read as follows:

### § 520.1892 Pregabalin.

(a) *Specifications*. Each milliliter (mL) of solution contains 50 milligrams (mg) pregabalin.

(b) *Sponsor*. See No. 052483 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Amount*. Administer orally as a single dose of 5 mg/kg (0.1 mL/kg) approximately 1.5 hours before the start of the transportation or veterinary visit.

(2) *Indications for use*. For alleviation of acute anxiety and fear associated with transportation and veterinary visits.

(3) *Limitations*. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

■ 7. In § 520.2645, revise paragraph (d)(2) to read as follows:

### § 520.2645 Tylvalosin.

\* \* \* \* \*

(d) \* \* \*

(2) *Indications for use*. For control of porcine proliferative enteropathy (PPE) associated with *Lawsonia intracellularis* infection in groups of swine intended for slaughter and female swine intended for breeding in buildings experiencing an outbreak of PPE; and for control of swine respiratory disease (SRD) associated with *Bordetella bronchiseptica*, *Glaesserella* (*Haemophilus*) *parasuis*, *Pasteurella*

*multocida*, *Streptococcus suis*, and *Mycoplasma hyopneumoniae* in groups of swine intended for slaughter and female swine intended for breeding in buildings experiencing an outbreak of SRD.

\* \* \* \* \*

## PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

■ 8. The authority citation for part 522 continues to read as follows:

Authority: 21 U.S.C. 360b.

■ 9. In § 522.304, revise paragraph (b) to read as follows:

### § 522.304 Carprofen.

\* \* \* \* \*

(b) *Sponsors*. See Nos. 016729, 017033, 054771, 055529, and 069043 in § 510.600(c) of this chapter.  
\* \* \* \* \*

■ 10. In § 522.812, revise paragraphs (b)(1) and (2) to read as follows:

### § 522.812 Enrofloxacin.

\* \* \* \* \*

(b) \* \* \*

(1) Nos. 016729, 017033, 055529, 058198, 069043, and 086101 for use of product described in paragraph (a)(1) as in paragraph (e)(1) of this section; and

(2) Nos. 051311, 055529, 058005, 058198, 061133, 069043, and 086101 for use of product described in paragraph (a)(2) as in paragraphs (e)(2) and (3) of this section.

\* \* \* \* \*

■ 11. In § 522.955, revise paragraph (b)(3) and the second sentence in paragraph (d)(1)(ii)(C) to read as follows:

### § 522.955 Florfenicol.

\* \* \* \* \*

(b) \* \* \*

(3) Nos. 058005, 058198, and 069043 for use of product described in paragraph (a)(2) of this section as in paragraph (d)(1)(ii) of this section.

\* \* \* \* \*

(d) \* \* \*

(1) \* \* \*

(ii) \* \* \*

(C) *Limitations*. \* \* \* Nos. 000061, 058005, 058198, and 069043: Animals intended for human consumption must not be slaughtered within 38 days of subcutaneous treatment. \* \* \*

\* \* \* \* \*

## PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS

■ 12. The authority citation for part 524 continues to read as follows:

Authority: 21 U.S.C. 360b.

■ 13. In 524.1044a, revise paragraph (b) to read as follows:

### § 524.1044a Gentamicin ophthalmic solution.

\* \* \* \* \*

(b) *Sponsors*. See Nos. 000061 and 086189 in § 510.600(c) of this chapter.  
\* \* \* \* \*

■ 14. In 524.1146, revise paragraphs (b)(1) and (2) to read as follows:

### § 524.1146 Imidacloprid and moxidectin.

\* \* \* \* \*

(b) \* \* \*

(1) Nos. 017030, 051072, 051311, 055529, and 058198 for use of product described in paragraph (a)(1) of this section as in paragraph (d)(1) of this section.

(2) Nos. 017030, 051072, 051311, 055529, and 058198 for use of product described in paragraph (a)(2) of this section as in paragraph (d)(2) of this section.

\* \* \* \* \*

■ 15. In 524.2098, revise paragraph (b) to read as follows:

### § 524.2098 Selamectin.

\* \* \* \* \*

(b) *Sponsors*. See Nos. 051072, 051311, 054771, 055529, and 061133 in § 510.600(c) of this chapter.  
\* \* \* \* \*

■ 16. In 524.2099, revise paragraph (c)(2) to read as follows:

### § 524.2099 Selamectin and sarolaner.

\* \* \* \* \*

(c) \* \* \*

(2) *Indications for use*. For the prevention of heartworm disease caused by *Dirofilaria immitis*. Kills adult fleas (*Ctenocephalides felis*) and is indicated for the treatment and prevention of flea infestations; the treatment and control of tick infestations with *Amblyomma americanum* (lone star tick), *Amblyomma maculatum* (Gulf Coast tick), *Dermacentor variabilis* (American dog tick), and *Ixodes scapularis* (black-legged tick), the treatment and control of ear mite (*Otodectes cynotis*) infestations; and the treatment and control of roundworm (*Toxocara cati*) and intestinal hookworm (*Ancylostoma tubaeforme*) infections in cats and kittens 8 weeks of age and older, and weighing 2.8 pounds or greater.

\* \* \* \* \*

## PART 529—CERTAIN OTHER DOSAGE FORM NEW ANIMAL DRUGS

■ 17. The authority citation for part 529 continues to read as follows:

Authority: 21 U.S.C. 360b.

- 18. In § 529.1186, revise paragraph (b) to read as follows:

**§ 529.1186 Isoflurane.**

\* \* \* \* \*

(b) *Sponsors*. See Nos. 017033, 054771, and 066794 in § 510.600(c) of this chapter.

\* \* \* \* \*

**PART 556—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD**

- 19. The authority citation for part 556 continues to read as follows:

Authority: 21 U.S.C. 342, 360b, 371.

**§ 556.730 [Removed]**

- 20. Remove § 556.730.

**PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS**

- 21. The authority citation for part 558 continues to read as follows:

Authority: 21 U.S.C. 354, 360b, 360ccc, 360ccc–1, 371.

**§ 558.4 [Amended]**

- 22. Amend § 558.4, by removing the entry for “Thiabendazole” in the Category II” table in paragraph (d).

- 23. In § 558.95, revise paragraphs (b), (e)(2)(i) and (ii), and (e)(3)(i) and (ii) to read as follows:

**§ 558.95 Bambermycins.**

\* \* \* \* \*

(b) *Sponsor*. See No. 016592 in § 510.600(c) of this chapter.

\* \* \* \* \*

(e) \* \* \*

(2) \* \* \*

Bambermycins in grams/ton	Indications for use	Limitations	Sponsor
(i) 1 to 2 .....	Growing turkeys: For improved feed efficiency .....	Feed continuously as the sole ration .....	016592
(ii) 2 .....	Growing turkeys: For increased rate of weight gain and improved feed efficiency.	Feed continuously as the sole ration .....	016592

(3) \* \* \*

Bambermycins in grams/ton	Indications for use	Limitations	Sponsor
(i) 2 .....	Growing-finishing swine: For increased rate of weight gain and improved feed efficiency.	Feed continuously as the sole ration .....	016592
(ii) 2 to 4 .....	Growing-finishing swine: For improved feed efficiency ...	Feed continuously as the sole ration .....	016592

\* \* \* \* \*

- 24. In § 558.128:

■ a. Revise paragraphs (e)(4)(xvi) and (xvii);

■ b. Redesignate paragraphs (e)(4)(xxi) through (lviii) as paragraphs (e)(4)(xxiii) through (lx); and

■ c. Add new paragraphs (e)(4)(xxi) and (xxii).

The revision and additions read as follows:

**§ 558.128 Chlortetracycline.**

\* \* \* \* \*

(e) \* \* \*

(4) \* \* \*

Chlortetracycline amount	Combination in grams/ton	Indications for use	Limitations	Sponsor
(xvi) to provide 10 mg/lb of body weight daily.	.....	Calves, beef and nonlactating dairy cattle: For treatment of bacterial enteritis caused by <i>Escherichia coli</i> and bacterial pneumonia caused by <i>Pasteurella multocida</i> organisms susceptible to chlortetracycline.	Feed approximately 400 g/ton, varying with body weight and feed consumption to provide 10 mg/lb per day. Treat for not more than 5 days. To sponsor No. 054771 (NADAs 048–761 and 046–699) and to sponsor No. 069254 (ANADA 200–510): May be mixed in the cattle's daily ration or administered as a top-dress. In feed including milk replacers withdraw 10 days prior to slaughter. To sponsor No. 054771 under NADA 046–699: 24-hour withdrawal period. To sponsor No. 054771 under NADA 048–761 and No. 069254 under ANADA 200–510: Zero withdrawal period. See paragraph (d)(3) of this section.	054771 066104 069254
(xvii) to provide 10 mg/lb of body weight daily.	.....	Calves (up to 250 lb): For the treatment of bacterial enteritis caused by <i>Escherichia coli</i> susceptible to chlortetracycline.	A withdrawal period has not been established for this product in pre-ruminating calves. Do not use in calves to be processed for veal.	066104

Chlortetracycline amount	Combination in grams/ton	Indications for use	Limitations	Sponsor
(xxi) 400 to 2,000 g/ton	Monensin, 15 to 84.	Replacement beef and dairy heifers: For treatment of bacterial enteritis caused by <i>Escherichia coli</i> and bacterial pneumonia caused by <i>Pasteurella multocida</i> susceptible to chlortetracycline; and for the prevention and control of coccidiosis caused by <i>Eimeria bovis</i> and <i>Eimeria zuernii</i> .	For replacement beef and dairy heifers not currently being fed monensin: Feed as the sole ration for not more than 5 days to provide 10 mg chlortetracycline per pound of body weight per day and 0.14 to 0.42 mg monensin per pound of body weight per day, depending upon severity of challenge, to provide 50 to 100 mg monensin per head per day in a minimum of 1 pound of Type C medicated feed. After 5 days, continue to feed monensin Type C medicated feed alone to provide 50 to 200 mg monensin per head per day in a minimum of 1 pound of Type C medicated feed. For replacement beef and dairy heifers currently being fed monensin: Feed as the sole ration for not more than 5 days to provide 10 mg chlortetracycline per pound of body weight per day and 0.14 to 0.42 mg monensin per pound of body weight per day, depending upon severity of challenge, to provide 50 to 200 mg monensin per head per day in a minimum of 1 pound of Type C medicated feed. After 5 days, continue to feed monensin Type C medicated feed alone. This drug is not approved for use in female dairy cattle 20 months of age or older, including dry dairy cows. Use in these cattle may cause drug residues in milk and/or in calves born to these cows. A withdrawal period has not been established for this product in pre-ruminating calves. Do not use in calves to be processed for veal. Monensin as provided by No. 058198, chlortetracycline by No. 069254 in § 510.600(c) of this chapter.	069254
(xxii) 400 to 2,000 g/ton	Monensin, 15 to 400.	Replacement beef and dairy heifers: For treatment of bacterial enteritis caused by <i>Escherichia coli</i> and bacterial pneumonia caused by <i>Pasteurella multocida</i> susceptible to chlortetracycline; and for increased rate of weight gain.	For replacement beef and dairy heifers not currently being fed monensin: Feed as the sole ration for not more than 5 days to provide 10 mg chlortetracycline per pound of body weight per day and 50 to 100 mg monensin per head per day in a minimum of 1 pound of Type C medicated feed. After 5 days, continue to feed monensin Type C medicated feed alone to provide 50 to 200 mg monensin per head per day in a minimum of 1 pound of Type C medicated feed. For replacement beef and dairy heifers currently being fed monensin: Feed as the sole ration for not more than 5 days to provide 10 mg chlortetracycline per pound of body weight per day and 50 to 200 mg monensin per head per day in a minimum of 1 pound of Type C medicated feed. After 5 days, continue to feed monensin Type C medicated feed alone. This drug is not approved for use in female dairy cattle 20 months of age or older, including dry dairy cows. Use in these cattle may cause drug residues in milk and/or in calves born to these cows. A withdrawal period has not been established for this product in pre-ruminating calves. Do not use in calves to be processed for veal. Monensin as provided by No. 058198, chlortetracycline by No. 069254 in § 510.600(c) of this chapter.	069254

§ 558.600 [Removed]

■ 25. Remove § 558.600.

Dated: February 20, 2024.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2024–03765 Filed 2–26–24; 8:45 am]

BILLING CODE 4164–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2022–0604; FRL–10574–02–R9]

Air Plan Approval; CA; San Joaquin Valley Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking final action to approve revisions to the San Joaquin Valley Air Pollution Control District

(SJVAPCD) portion of the California State Implementation Plan (SIP). The revisions were submitted by the California Air Resources Board (CARB), on behalf of SJVAPCD, in response to the EPA's May 22, 2015 finding of substantial inadequacy and SIP call for certain provisions in the SIP related to exemptions and affirmative defenses applicable to excess emissions during startup, shutdown, and malfunction (SSM) events. The EPA is finalizing approval of the SIP revisions because the Agency has determined that they are in accordance with the requirements for SIP provisions under the Clean Air Act (CAA or the Act) and correct

deficiencies identified in the May 22, 2015, SIP call.

**DATES:** This rule is effective March 28, 2024.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA-R09-OAR-2022-0604. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., 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 through <https://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. If you need assistance in a language other than English or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:** Christine Vineyard, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 947-4125 or by email at [vineyard.christine@epa.gov](mailto:vineyard.christine@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document, “we,” “us” and “our” refer to the EPA.

## Table of Contents

- I. Proposed Action
- II. Public Comments and EPA Responses
- III. EPA Action
- IV. Incorporation by Reference
- V. Statutory and Executive Order Reviews

## I. Proposed Action

On February 22, 2013, the EPA issued a **Federal Register** notice of proposed rulemaking outlining EPA’s policy at the time with respect to SIP provisions related to periods of SSM. The EPA analyzed specific SSM SIP provisions and explained how each one either did or did not comply with the CAA with regard to excess emission events.<sup>1</sup> For each SIP provision that the EPA

determined to be inconsistent with the CAA, the EPA proposed to find that the existing SIP provision was substantially inadequate to meet CAA requirements and thus proposed to issue a SIP call under CAA section 110(k)(5). On September 17, 2014, the EPA issued a document supplementing and revising what the Agency had previously proposed on February 22, 2013, in light of a D.C. Circuit decision that determined the CAA precludes authority of the EPA to create affirmative defense provisions applicable to private civil suits. The EPA outlined its updated policy that affirmative defense SIP provisions are not consistent with CAA requirements. The EPA proposed in the supplemental proposal document to apply its revised interpretation of the CAA to specific affirmative defense SIP provisions and proposed SIP calls for those provisions where appropriate (79 FR 55920, September 17, 2014).

On June 12, 2015, pursuant to CAA section 110(k)(5), the EPA finalized “State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA’s SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls to Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction,” hereafter referred to as the “2015 SSM SIP Action.”<sup>2</sup> The 2015 SSM SIP Action clarified, restated, and updated the EPA’s interpretation that SSM exemptions and affirmative defense SIP provisions are inconsistent with CAA requirements. The 2015 SSM SIP Action found that certain SIP provisions in 36 states were substantially inadequate to meet CAA requirements and issued a SIP call to those states to submit SIP revisions to address the inadequacies. The EPA established an 18-month deadline by which the affected states had to submit such SIP revisions. States were required to submit corrective revisions to their SIPs in response to the SIP calls by November 22, 2016.

The EPA issued a Memorandum in October 2020 (2020 Memorandum), which stated that certain provisions governing SSM periods in SIPs could be

viewed as consistent with CAA requirements.<sup>3</sup> Importantly, the 2020 Memorandum stated that it “did not alter in any way the determinations made in the 2015 SSM SIP Action that identified specific state SIP provisions that were substantially inadequate to meet the requirements of the Act.” Accordingly, the 2020 Memorandum had no direct impact on the SIP call issued to SJVAPCD in 2015. The 2020 Memorandum did, however, indicate the EPA’s intent at the time to review SIP calls that were issued in the 2015 SSM SIP Action to determine whether the EPA should maintain, modify, or withdraw particular SIP calls through future agency actions.

On September 30, 2021, the EPA’s Deputy Administrator withdrew the 2020 Memorandum and announced the EPA’s return to the policy articulated in the 2015 SSM SIP Action (2021 Memorandum).<sup>4</sup> As articulated in the 2021 Memorandum, SIP provisions that contain exemptions or affirmative defense provisions are not consistent with CAA requirements and, therefore, generally are not approvable if contained in a SIP submission. This policy approach is intended to ensure that all communities and populations, including overburdened communities, receive the full health and environmental protections provided by the CAA.<sup>5</sup> The 2021 Memorandum also retracted the prior statement from the 2020 Memorandum of EPA’s plans to review and potentially modify or withdraw particular SIP calls. That statement no longer reflects the EPA’s intent. The EPA intends to implement the principles laid out in the 2015 SSM SIP Action as the Agency takes action on SIP submissions, including SJVAPCD’s SIP submittal, provided in response to the 2015 SIP call.

With regards to SJVAPCD, the SIP call identified Rules 110, 111, and 113 because the rules contained improper affirmative defenses for excess emissions during startup, shutdown, and malfunction events. On August 10, 2023 (88 FR 54257), the EPA proposed to approve removal of the rules in the following table from the California SIP.

District	Rule No.	Rule title	Adopted	Submitted
San Joaquin Valley APCD (Fresno County APCD) .....	110	Equipment Breakdown .....	2/17/2022	4/14/2022
San Joaquin Valley APCD (Stanislaus County APCD) .....	110	Equipment Breakdown .....	2/17/2022	4/14/2022

<sup>1</sup> State Implementation Plans: Response to Petition for Rulemaking; Findings of Substantial Inadequacy; and SIP Calls to Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown, and Malfunction, 78 FR 12460 (February 22, 2013).

<sup>2</sup> 80 FR 33839.

<sup>3</sup> October 9, 2020, memorandum “Inclusion of Provisions Governing Periods of Startup, Shutdown, and Malfunctions in State Implementation Plans,” from Andrew R. Wheeler, Administrator.

<sup>4</sup> September 30, 2021, memorandum “Withdrawal of the October 9, 2020, Memorandum Addressing

Startup, Shutdown, and Malfunctions in State Implementation Plans and Implementation of the Prior Policy,” from Janet McCabe, Deputy Administrator.

<sup>5</sup> 80 FR 33985.

District	Rule No.	Rule title	Adopted	Submitted
San Joaquin Valley APCD (Kern County APCD) .....	111	Equipment Breakdown .....	2/17/2022	4/14/2022
San Joaquin Valley APCD (Kings County APCD) .....	111	Equipment Breakdown .....	2/17/2022	4/14/2022
San Joaquin Valley (Tulare County APCD) .....	111	Equipment Breakdown .....	2/17/2022	4/14/2022
San Joaquin Valley APCD (Madera County APCD) .....	113	Equipment Breakdown .....	2/17/2022	4/14/2022

As discussed in the proposal, the EPA proposed to approve the removal of these rules from the SJVAPCD portions of the California SIP because such removal is consistent with CAA requirements and would correct the deficiencies identified by the Agency in the 2015 SSM SIP Action. SJVAPCD is retaining the affirmative defenses solely for state law purposes, outside of the EPA approved SIP. Removal of the affirmative defenses from the SIP is also consistent with the EPA policy for exclusion of “state law only” provisions from SIPs and will serve to minimize any potential confusion about the inapplicability of the affirmative defense provisions in Federal court enforcement actions.

## II. Public Comments and EPA Responses

The EPA’s proposed action provided a 30-day public comment period. During this period, we received one comment from the Sierra Club and Environmental Integrity Project in support of the proposed rulemaking.

## III. EPA Action

No comments were submitted that change our assessment of the rules as described in our proposed action. Therefore, as authorized in section 110(k)(3) of the Act, and for the reasons identified in the August 22, 2023 proposal, the EPA is fully approving the removal of these rules from the SJVAPCD portion of the California SIP. The Agency’s final approval of this submission fully corrects the inadequacies in the SJVAPCD portion of the California SIP that were identified in the EPA’s 2015 SSM SIP Action.

## IV. Incorporation by Reference

In this document, the EPA is amending regulatory text that includes incorporation by reference. As described in section I of the preamble and as set forth below in the amendments to 40 CFR part 52, the EPA is removing provisions from the Fresno County, Kern County, Kings County, Madera County, Stanislaus County, and Tulare County portions of the California SIP, which is incorporated by reference in accordance with the requirements of 1 CFR 51. The EPA has made, and will continue to make, these documents available through [www.regulations.gov](http://www.regulations.gov)

and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

## V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA’s role is to approve state choices, provided they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

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

an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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

The State did not evaluate environmental justice considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. The EPA did not perform an EJ analysis and did not consider EJ in this action. Consideration of EJ is not required as part of this action, and there is no information in the record inconsistent with the stated goal of Executive Order 12898 of achieving environmental justice for people of color, low-income populations, and Indigenous peoples.

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United

States Court of Appeals for the appropriate circuit by April 29, 2024. Filing a petition for reconsideration by the Administrator of the final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: February 5, 2024.

**Martha Guzman Aceves,**

*Regional Administrator, Region IX.*

For the reasons stated in the preamble, the Environmental Protection Agency amends part 52, chapter I, title 40 of the Code of Federal Regulations as follows:

#### PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

#### Subpart F—California

■ 2. Section 52.220 is amended by:

- a. Adding paragraph (c)(47)(ii)(C);
- b. Revising paragraph (c)(47)(iii)(C); and
- c. Adding paragraphs (c)(47)(iii)(D), (c)(51)(ix)(E) and (F), (c)(51)(x)(D) and (E), (c)(52)(iv)(H) and (I), (c)(126)(iii)(D), and (c)(138)(v)(F).

The additions and revision read as follows:

#### § 52.220 Identification of plan—in part.

\* \* \* \* \*

- (c) \* \* \*
- (47) \* \* \*
- (ii) \* \* \*

(C) Previously approved on October 24, 1980, in paragraph (c)(47)(ii)(A) of this section and now deleted without replacement: Rule 110, “Equipment Breakdown.”

- (iii) \* \* \*

(C) Previously approved on October 24, 1980, in paragraph (c)(47)(iii)(A) of this section and now deleted without replacement for implementation in the Eastern Kern Air Pollution Control

District: Rule 111, “Equipment Breakdown.”

(D) Previously approved on October 24, 1980, in paragraph (c)(47)(iii)(A) of this section and now deleted without replacement for implementation in the San Joaquin Valley Unified Air Pollution Control District: Rule 111, “Equipment Breakdown.”

\* \* \* \* \*

- (51) \* \* \*

- (ix) \* \* \*

(E) Previously approved on December 9, 1981, in paragraph (c)(51)(ix)(B) of this section and now deleted without replacement: Rule 110 (A), (B), and (D)—(I), “Equipment Breakdown.”

(F) Previously approved on June 18, 1982, in paragraph (c)(51)(ix)(C) of this section and now deleted without replacement: Rule 110 (C), “Equipment Breakdown.”

- (x) \* \* \*

(D) Previously approved on December 9, 1981, in paragraph (c)(51)(x)(B) of this section and now deleted without replacement: Rule 111 (a), (b), and (d)—(i), “Equipment Breakdown.”

(E) Previously approved on June 18, 1982, in paragraph (c)(51)(x)(C) of this section and now deleted without replacement: Rule 111(c), “Equipment Breakdown.”

\* \* \* \* \*

- (52) \* \* \*

- (iv) \* \* \*

(H) Previously approved on December 9, 1981, in paragraph (c)(52)(iv)(B) of this section and now deleted without replacement: Rule 111 (A), (B), and (D)—(I), “Equipment Breakdown.”

(I) Previously approved on June 18, 1982, in paragraph (c)(52)(iv)(C) of this section and now deleted without replacement: Rule 111(C), “Equipment Breakdown.”

\* \* \* \* \*

- (126) \* \* \*

- (iii) \* \* \*

(D) Previously approved on June 1, 1983, in paragraph (c)(126)(iii)(A) of this section and now deleted without replacement: Rule 110, “Equipment Breakdown.”

\* \* \* \* \*

- (138) \* \* \*

- (v) \* \* \*

(F) Previously approved on November 18, 1983, in paragraph (c)(138)(v)(A) of this section and now deleted without replacement: Rule 113, “Equipment Breakdown.”

\* \* \* \* \*

[FR Doc. 2024–03894 Filed 2–26–24; 8:45 am]

**BILLING CODE 6560–50–P**

#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[Docket No. 231101–0256; RTID 0648–XD672]

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2024 Recreational Closure for Golden Tilefish in the South Atlantic

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS announces the 2024 recreational fishing season for golden tilefish in the exclusive economic zone (EEZ) of the South Atlantic. Announcing the length of the recreational season is the accountability measure (AM) for the recreational sector. NMFS estimates that recreational landings of golden tilefish will reach the recreational annual catch limit (ACL) for the 2024 fishing year by February 29, 2024. Accordingly, NMFS announces the closure date for the recreational harvest of golden tilefish in the South Atlantic EEZ to protect the golden tilefish resource.

**DATES:** This temporary rule is effective from March 1, 2024, through December 31, 2024.

**FOR FURTHER INFORMATION CONTACT:** Karla Gore, NMFS Southeast Regional Office, telephone: 727–824–5305, email: [karla.gore@noaa.gov](mailto:karla.gore@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The snapper-grouper fishery of the South Atlantic includes golden tilefish and is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The FMP was prepared by the South Atlantic Fishery Management Council and NMFS, and is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

Regulations at 50 CFR 622.193(a)(2) specify the 2024 recreational ACL for golden tilefish of 2,635 fish, and the recreational AM. The recreational AM states that NMFS will project the length of the recreational fishing season for golden tilefish based on catch rates from the previous fishing year and announce the end date of the recreational season (50 CFR 622.193(a)(2)). The recreational season for golden tilefish started on

January 1, 2024. Data from the NMFS Southeast Fisheries Science Center informed NMFS' projection that recreational landings will reach the recreational ACL for 2024 by the end of February. Therefore, NMFS announces that the end date of the recreational season for golden tilefish is February 29, 2024, and the recreational sector for golden tilefish in the South Atlantic EEZ will be closed from March 1 through December 31, 2024. During the recreational closure, the bag and possession limits for golden tilefish in or from the South Atlantic EEZ are zero. The next recreational fishing year and season for golden tilefish begins on January 1, 2025.

#### Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 622.193(a)(2), which was issued pursuant to section 304(b) of the Magnuson-Stevens Act, and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment are unnecessary and contrary to the public interest. Such procedures are unnecessary because the rule that established the recreational ACL and AM for golden tilefish has already been subject to notice and comment, and all that remains is to notify the public of the end date of the recreational season. Such procedures are contrary to the public interest because of the need to immediately implement this action to protect the golden tilefish stock. The recreational ACL will soon be reached and prior notice and opportunity for public comment would require additional time, potentially resulting in a harvest well in excess of the established ACL.

For the reasons just stated, there is also good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

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

Dated: February 22, 2024.

**Everett Wayne Baxter,**

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

[FR Doc. 2024-03982 Filed 2-23-24; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[RTID 0648-XD471]

#### Fisheries Off West Coast States; West Coast Salmon Fisheries; Amendment 24 to the Pacific Coast Salmon Fishery Management Plan

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

**ACTION:** Notice of agency decision.

**SUMMARY:** NMFS announces the approval of amendment 24 to the Pacific Salmon Fishery Management Plan (Salmon FMP). The intent of amendment 24 is to clarify the technical process for reviewing updates to the models used to determine the Chinook salmon abundance threshold that may trigger additional management measures to limit the impact of ocean salmon fisheries on Southern Resident killer whales (SRKW). The whales are listed under the Endangered Species Act (ESA) and Chinook salmon, some of which are listed as threatened under the ESA, are their preferred prey. This action is administrative in nature and does not change the formula for calculating the threshold or the fishery management responses currently described in the Salmon FMP.

**DATES:** The amendment was approved on February 21, 2024.

**ADDRESSES:** The amended Salmon FMP is available on the Pacific Fishery Management Council's (Council) website (<https://www.pcouncil.org>).

**FOR FURTHER INFORMATION CONTACT:** Shannon Penna at 562-980-4239, [Shannon.Penna@noaa.gov](mailto:Shannon.Penna@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

#### Background

The ocean salmon fisheries in the exclusive economic zone (EEZ) (3-200 nautical miles; 5.6-370.4 kilometers) seaward of Washington, Oregon, and California are managed under the Salmon FMP. Amendment 24 to the Salmon FMP will clarify the process for review of updates to the models used to determine the Chinook salmon

abundance threshold, and the recalculation of the threshold value based on updated model information, by revising Section 6.6.8 of the Salmon FMP. The revised text will not change the approach used to calculate the threshold. Amendment 24 also includes some minor housekeeping edits, such as updates to references and correction of a species name.

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires that each regional fishery management council submit any fishery management plan (FMP) or plan amendment it prepares to NMFS for review and approval, disapproval, or partial approval by the Secretary of Commerce (Secretary) (MSA 304(a)). The MSA also requires that NMFS, upon receiving an FMP or plan amendment, immediately publish a notice that the FMP or plan amendment is available for public review and comment.

The Notice of Availability (NOA) for amendment 24 was published in the **Federal Register** on November 27, 2023 (88 FR 82819), with a 60-day comment period that ended on January 26, 2024.

NMFS determined that amendment 24 is consistent with the MSA and other applicable laws, and the Secretary of Commerce approved amendment 24 on February 21, 2024. The November 27, 2023, NOA contains additional information on this action. Amendment 24 will be implemented through the annual salmon management measures; no changes to existing Federal regulations are necessary.

#### Public Comment

We received one comment from the public in support of amendment 24.

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

Dated: February 21, 2024.

**Samuel D. Rauch, III,**

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

[FR Doc. 2024-03890 Filed 2-26-24; 8:45 am]

**BILLING CODE 3510-22-P**

# Proposed Rules

Federal Register

Vol. 89, No. 39

Tuesday, February 27, 2024

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

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2024-0236; Project Identifier MCAI-2022-00066-R]

RIN 2120-AA64

#### Airworthiness Directives; Leonardo S.p.a. Helicopters

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

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

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for all Leonardo S.p.a. Model AW189 helicopters. This proposed AD was prompted by a report of abnormal oscillatory behavior during automated glide slope approaches, due to sealant on the glide slope (G/S) antenna coaxial connectors. This proposed AD would require visually inspecting certain G/S antennas and G/S antenna coaxial connectors for the presence of any sealant; cleaning parts and removing any sealant; performing an external G/S acceptance test procedure (ATP); and taking corrective actions if necessary. This proposed AD would also prohibit installing certain G/S antennas and G/S antenna coaxial connectors. These actions are specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference. The FAA is proposing this AD to address the unsafe condition on these products.

**DATES:** The FAA must receive comments on this NPRM by April 12, 2024.

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

- *Federal eRulemaking Portal:* Go to [regulations.gov](https://www.regulations.gov). Follow the instructions for submitting comments.
- *Fax:* (202) 493-2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M-

30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

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

*AD Docket:* You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2024-0236; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the EASA AD, any comments received, and other information. The street address for Docket Operations is listed above.

*Material Incorporated by Reference:*

- For EASA material identified in this NPRM, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email [ADs@easa.europa.eu](mailto:ADs@easa.europa.eu); internet [easa.europa.eu](https://easa.europa.eu). You may find the EASA material on the EASA website at [ad.easa.europa.eu](https://ad.easa.europa.eu).

- You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N 321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222-5110. The EASA material is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2024-0236.

*Other Related Service Information:*

For Leonardo Helicopters service information identified in this NPRM, contact Leonardo S.p.A., Emanuele Bufano, Head of Airworthiness, Viale G. Agusta 520, 21017 C. Costa di Samarate (Va) Italy; telephone (+39) 0331-225074; fax (+39) 0331-229046; or at [customerportal.leonardocompany.com/en-US/](https://customerportal.leonardocompany.com/en-US/). You may also view this service information at the FAA contact information under *Material Incorporated by Reference* above.

**FOR FURTHER INFORMATION CONTACT:**

Sungmo Cho, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone (781) 238-7241; email: [Sungmo.D.Cho@faa.gov](mailto:Sungmo.D.Cho@faa.gov).

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include "Docket No. FAA-2024-0236; Project Identifier

MCAI-2022-00066-R" at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

**Confidential Business Information**

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as "PROPIN." The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Sungmo Cho, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone (781) 238-7241; email: [Sungmo.D.Cho@faa.gov](mailto:Sungmo.D.Cho@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 2022-0010, dated January 20, 2022 (EASA AD 2022-0010), to correct an unsafe condition on Leonardo S.p.A. Model AW189 helicopters.

This proposed AD was prompted by a report of abnormal oscillatory behavior during automated glide slope



approaches. Subsequent investigations identified sealant on the G/S antenna coaxial connectors, which isolated it from its grounding plane. The FAA is proposing this AD to detect and address the presence of sealant on or around the G/S antenna, which if not addressed, could lead to erratic signals from the G/S antenna and reduced capability of the helicopter to perform safe automated approaches. See EASA AD 2022–0010 for additional background information.

You may examine the EASA AD in the AD docket at *regulations.gov* under Docket No. FAA–2024–0236.

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

EASA AD 2022–0010 requires visually inspecting G/S antenna part number (P/N) 6208–88–62 and G/S antenna coaxial connectors P/N PE4958, which are both parts of G/S antenna kit P/N 8G3430F00111, for any sealant. If any sealant is found, EASA AD 2022–0010 requires removing any sealant, and performing further inspections and corrective actions.

EASA AD 2022–0010 also requires performing an ATP and depending on the results, replacing and removing certain parts, and additional tests. EASA AD 2022–0010 allows the affected G/S antenna and G/S antenna coaxial connectors to be installed on a helicopter if certain requirements are met.

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**.

#### **Other Related Service Information**

The FAA also reviewed Leonardo Helicopters Alert Service Bulletin No. 189–295, dated November 29, 2021. This service information specifies procedures for visually inspecting the G/S antenna for the presence of sealant; removing any sealant that is detected; removing and replacing any affected parts; performing any corrective actions if necessary, performing an ATP, which includes verifying flight display, decibel milliwatts, and pass/fail information; and reporting certain information to the manufacturer.

#### **FAA's Determination**

These helicopters have been approved by EASA and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the European Union, EASA has notified the FAA of the unsafe condition described in its AD. The FAA is proposing this AD after determining that the unsafe condition described previously is likely

to exist or develop on other helicopters of the same type design.

#### **Proposed AD Requirements in This NPRM**

This proposed AD would require accomplishing the actions specified in EASA AD 2022–0010, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this proposed AD and except as discussed under “Differences Between this Proposed AD and the EASA AD.”

#### **Explanation of Required Compliance Information**

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2022–0010 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2022–0010 AD in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2022–0010 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 2022–0010. Service information referenced in EASA AD 2022–0010 for compliance will be available at *regulations.gov* under Docket No. FAA–2024–0236 after the FAA final rule is published.

#### **Differences Between This Proposed AD and the EASA AD**

If any discrepancy is found during the ATP, EASA AD 2022–0010 requires replacing each affected part with a serviceable part, whereas this proposed AD would require removing each affected part from service and replacing it with a serviceable part.

Service information referenced in EASA AD 2022–0010 contains an inspection report (ANNEX B), whereas this proposed AD would not require completing that information.

#### **Costs of Compliance**

The FAA estimates that this AD, if adopted as proposed, would affect 4 helicopters of U.S. Registry. Labor rates are estimated at \$85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this proposed AD.

Visually inspecting for sealant around the G/S antenna would take about 5 work-hours for an estimated cost of \$425 per helicopter and up to \$1,700 for the U.S. fleet.

If required, removing any sealant and cleaning any part would take about 0.5 work-hour for an estimated cost of \$43 per helicopter.

Performing an ATP would take about 1 work-hour for an estimated cost of \$85 per helicopter and up to \$340 for the U.S. fleet.

If required, removing and replacing a G/S antenna, to include removing and replacing the connectors would take about 3 work-hours and parts would cost about \$100,100 for an estimated cost of \$100,355 per helicopter.

#### **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:

**Leonardo S.p.a.:** Docket No. FAA–2024–0236; Project Identifier MCAI–2022–00066–R.

#### (a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by April 12, 2024.

#### (b) Affected ADs

None.

#### (c) Applicability

This AD applies to all Leonardo S.p.a. Model AW189 helicopters, certificated in any category.

#### (d) Subject

Joint Aircraft System Component (JASC) Code: 3432, Glide slope system.

#### (e) Unsafe Condition

This AD was prompted by a report of abnormal oscillatory behavior during automated glide slope approaches, due to sealant on the glide slope (G/S) antenna coaxial connectors. The FAA is issuing this AD to detect and address sealant on or around the G/S antenna. The unsafe condition, if not addressed, could lead to erratic signals from the G/S antenna, which could result in reduced capability of the helicopter to perform safe automated approaches.

#### (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, European Union Aviation Safety Agency (EASA) AD 2022–0010, dated January 20, 2022 (EASA AD 2022–0010).

#### (h) Exceptions to EASA AD 2022–0010

(1) Where EASA AD 2022–0010 states “flight hours;” for this AD, replace that text with “hours time-in-service.”

(2) Where EASA AD 2022–0010 refers to its effective date, this AD requires using the effective date of this AD.

(3) Where paragraph (1) of EASA AD 2022–0010 states “in accordance with the instructions of Part I of the ASB;” for this AD, replace that text with “in accordance with the Accomplishment Instructions, Part I, paragraphs 4 and 5 of the ASB.”

(4) Where paragraph (2) of EASA AD 2022–0010 states “in accordance with the instructions of Part I of the ASB;” for this AD, replace that text with “in accordance with the Accomplishment Instructions, Part I, paragraphs 6.3 (including the two cautions above paragraph 6.3) through 6.5 (but not paragraphs 6.5.1 and 6.5.2) of the ASB.”

(5) Where paragraphs (4) and (5) of EASA AD 2022–0010 state “discrepancy;” for this AD, replace that text with “discrepancy, which is one or more “fail” results in the acceptance test procedure.”

(6) Where paragraphs (4) and (5) of EASA AD 2022–0010 state to “replace the/those affected parts with serviceable parts;” for this AD, replace that text with “remove the affected part, as defined in EASA AD 2022–0010, from service and replace it with a serviceable part, as defined in EASA AD 2022–0010. Thereafter, after installing a serviceable part, as defined in EASA AD 2022–0010, before further flight, accomplish an acceptance test procedure (ATP) in accordance with the instructions of Annex A of the ASB.”

(7) Where the service information referenced in EASA AD 2022–0010 specifies discarding existing hardware, this AD requires removing the existing hardware from service.

(8) Where paragraph (4) of EASA AD 2022–0010 states “in accordance with the instructions of Part I of the ASB;” for this AD, replace that text with “in accordance with the Accomplishment Instructions, Part I, paragraphs 9 through 11 of the ASB.”

(9) Where paragraph (5) of EASA AD 2022–0010 states “in accordance with the instructions of Part II of the ASB;” for this AD, replace that text with “in accordance with the Accomplishment Instructions, Part II, paragraphs 2 through 4 of the ASB.”

(10) This AD does not adopt the “Remarks” section of EASA AD 2022–0010.

#### (i) No Reporting Requirement

Although the service information referenced in EASA AD 2022–0010 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

#### (j) Special Flight Permits

Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199, provided there are no passengers, and no flights are performed under instrument flight rules (IFR).

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

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

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

#### (l) Related Information

For more information about this AD, contact Sungmo Cho, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone (781) 238–7241; email: [Sungmo.D.Cho@faa.gov](mailto:Sungmo.D.Cho@faa.gov).

#### (m) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2022–0010, dated January 20, 2022.

(ii) [Reserved]

(3) For EASA AD 2022–0010, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email [ADs@easa.europa.eu](mailto:ADs@easa.europa.eu); internet [easa.europa.eu](http://easa.europa.eu). You may find the EASA material on the EASA website at [ad.easa.europa.eu](http://ad.easa.europa.eu).

(4) You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. 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](http://www.archives.gov/federal-register/cfr/ibr-locations) or email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov).

Issued on February 21, 2024.

**Victor Wicklund,**

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

[FR Doc. 2024–03976 Filed 2–26–24; 8:45 am]

**BILLING CODE 4910–13–P**

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

[Docket No. FAA–2024–0235; Project Identifier MCAI–2022–01376–R]

RIN 2120–AA64

**Airworthiness Directives; Leonardo S.p.a. Helicopters**

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

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

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for certain Leonardo S.p.a. Model AW189 helicopters. This proposed AD was prompted by a report of an uncommanded deployment of the emergency life-raft system (ELS). This proposed AD would require a one-time inspection of the life-raft installations and, depending on the results, accomplishing additional actions, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference. The FAA is proposing this AD to address the unsafe condition on these products.

**DATES:** The FAA must receive comments on this proposed AD by April 12, 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–2024–0235; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

*Material Incorporated by Reference:*

- For EASA material that is identified in this NPRM, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone +49 221 8999 000;

email *ADs@easa.europa.eu*; website *easa.europa.eu*.

- You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. The EASA material is also available at *regulations.gov* under Docket No. FAA–2024–0235.

*Other Related Service Information:*

For Leonardo Helicopters service information identified in this NPRM, contact Leonardo S.p.A., Emanuele Bufano, Head of Airworthiness, Viale G. Agusta 520, 21017 C. Costa di Samarate (Va) Italy; phone (+39) 0331–225074; fax (+39) 0331–229046; website *customerportal.leonardocompany.com/en-US/*. You may also view this service information at the FAA contact information under *Material Incorporated by Reference* above.

**FOR FURTHER INFORMATION CONTACT:**

Sungmo Cho, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (781) 238–7241; email: *sungmo.d.cho@faa.gov*.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include “Docket No. FAA–2024–0235; Project Identifier MCAI–2022–01376–R” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

**Confidential Business Information**

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

information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Sungmo Cho, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (781) 238–7241; email: *sungmo.d.cho@faa.gov*. Any commentary that the FAA receives that 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 2022–0214, dated October 21, 2022 (EASA AD 2022–0214), to correct an unsafe condition for certain serial-numbered Leonardo S.p.A. Model AW189 helicopters.

This proposed AD was prompted by a report of an uncommanded deployment of the ELS. Subsequent investigation determined incorrect installation of its control cable could have caused the occurrence. The FAA is proposing this AD to address unintended activation and deployment of the ELS. The unsafe condition, if not addressed, could result in unintended activation and deployment of the ELS in flight with possible impact on the rotors, resulting in reduced control of the helicopter. You may examine EASA AD 2022–0214 in the AD docket at *regulations.gov* under Docket No. FAA–2024–0235.

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

EASA AD 2022–0214 requires a one-time inspection of both the left- and right-side life-raft installations for certain serial-numbered helicopters and, depending on findings, replacing its control cable and checking the assembly, replacing a cable pulley cover, correcting the cable installation, and replacing the life-raft assembly, as applicable.

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.

### Other Related Service Information

The FAA also reviewed Leonardo Helicopters Alert Service Bulletin No.189–315, dated October 20, 2022. This service information specifies procedures for inspecting the ELS.

### FAA's Determination

These helicopters have been approved by EASA and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the European Union, EASA has notified the FAA about the unsafe condition described in its AD. The FAA is proposing this AD after evaluating all known relevant information and determining that the unsafe condition described previously is likely to exist or develop on other helicopters of the same type design.

### Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2022–0214, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this proposed AD and except as discussed under “Differences Between this Proposed AD and the EASA AD.”

### Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2022–0214 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2022–0214 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2022–0214 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 2022–0214. Service information referenced in EASA AD 2022–0214 for compliance will be available at [regulations.gov](https://www.regulations.gov) under

Docket No. FAA–2024–0235 after the FAA final rule is published.

### Differences Between This Proposed AD and the EASA AD

The service information referenced in EASA AD 2022–0214 specifies taking pictures, completing an inspection report, and sending removed parts to the manufacturer, whereas this proposed AD would not include those actions.

The service information referenced in EASA AD 2022–0214 cautions that step 3.3 shall be performed by trained operators or by authorized service stations only, whereas this proposed AD would require that step to be accomplished by persons authorized under 14 CFR 43.3.

EASA AD 2022–0214 refers to the emergency life-raft assembly inspection as a “check,” whereas this proposed AD would refer to that action as an “inspection” because that action must be accomplished by persons authorized under 14 CFR 43.3.

EASA AD 2022–0214 allows installing inoperative placard(s) in clear view of both pilots to defer certain corrective action, provided all flight crews are informed and, thereafter, the helicopter is operated accordingly. FAA regulations mandate compliance with placards. However, this proposed AD would not require informing flight crews or operating the helicopter accordingly because compliance with such requirements in an AD is impracticable to demonstrate or track on an ongoing basis; therefore, a requirement to operate the aircraft in such a manner is unenforceable. Nonetheless, flight crews of the helicopters identified in the applicability must operate in accordance with the placard(s) proposed by this AD.

### Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 4 helicopters of U.S. Registry. Labor rates are estimated at \$85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this proposed AD.

Inspecting the left- and right-hand side life-raft installations would take about 4 work-hours for an estimated cost of \$340 per helicopter and \$1,360 for the U.S. fleet.

If required, replacing a control cable and inspecting the life-raft assembly would take about 1 work-hour and parts would cost about \$1,665 for an estimated cost of \$1,750 per side. If required, replacing a pulley cover would take about 0.5 work-hour and parts would cost about \$100 for an

estimated cost of \$143 per side. If required, correcting the cable installation would take about 4 work-hour and would cost about \$340 per side. If required, replacing a life raft assembly would take about 4 work-hours and parts would cost about \$125,700 for an estimated cost of \$126,040 per side.

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

### Authority for This Rulemaking

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

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

### Regulatory Findings

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

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

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

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

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

### List of Subjects in 14 CFR Part 39

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

## The Proposed Amendment

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

### PART 39—AIRWORTHINESS DIRECTIVES

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

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

#### § 39.13 [Amended]

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

**Leonardo S.p.a.:** Docket No. FAA–2024–0235; Project Identifier MCAI–2022–01376–R.

#### (a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by April 12, 2024.

#### (b) Affected ADs

None.

#### (c) Applicability

This AD applies to Leonardo S.p.a. Model AW189 helicopters, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2022–0214, dated October 21, 2022 (EASA AD 2022–0214).

#### (d) Subject

Joint Aircraft Service Component (JASC) Code 2564, Life Raft.

#### (e) Unsafe Condition

This AD was prompted by a report of an uncommanded deployment of the Emergency life-raft system (ELS), possibly due to an incorrect installation of its control cable. The FAA is issuing this AD to address unintended activation and deployment of the ELS. The unsafe condition, if not addressed, could result in unintended activation and deployment of the ELS in flight with possible impact on the rotors, resulting in reduced control of the helicopter.

#### (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, EASA AD 2022–0214.

#### (h) Exceptions to EASA AD 2022–0214

(1) Where EASA AD 2022–0214 refers to “flight hours,” this AD requires replacing those words with “hours time-in-service.”

(2) Where EASA AD 2022–0214 refers to its effective date, this AD requires using the effective date of this AD.

(3) Where the service information referenced in paragraph (1) of EASA AD

2022–0214 specifies taking pictures and completing the inspection report, this AD does not include those requirements.

(4) Where the service information referenced in paragraph (1) of EASA AD 2022–0214 states, “damage (e.g., wear or bird caging)” or “damaged” when referring to the control cable that comes out from the sheath; for this AD, replace that text with, “damage, which may be indicated by wear, corrosion, a broken wire, a necked down section, a kink, bird-caging, a flattened area, abrasion, or gouging.”

(5) Where the service information referenced in paragraph (1) of EASA AD 2022–0214 states, “condition (no sign of damage, cracks or missing parts)” or “damaged” when referring to the break-away pin; for this AD, replace that text with, “damage, which may be indicated by wear, corrosion, nick, cracks, or distortion.”

(6) Where the service information referenced in paragraph (1) of EASA AD 2022–0214 states, “condition,” “damage/wear,” and “damages” when referring to the pulley cover; for this AD, replace that text with, “damage, which may be indicated by abrasion, cracks, punctures, cuts, corrosion, or distortion.”

(7) Where the service information referenced in paragraph (1) of EASA AD 2022–0214 specifies removing the pulley cover in case it is not possible to properly inspect the whole cover; for this AD, removing the pulley cover to inspect the whole cover is required.

(8) Where the service information referenced in paragraph (1) of EASA AD 2022–0214 cautions that step 3.3 shall be performed by trained operators or by authorized service stations only, this AD does not include those cautions. For this AD, step 3.3 must be accomplished by persons authorized under 14 CFR 43.3.

(9) Where paragraph (2) of EASA AD 2022–0214 specifies “accomplish a check of the affected emergency life-raft assembly,” this AD requires replacing that text with “accomplish an emergency life-raft assembly inspection.”

(10) Where paragraph (4) of EASA AD 2022–0214 specifies “during the check of the emergency life-raft assembly as required by paragraph (2) of this AD,” this AD requires replacing that text with “during the life-raft assembly inspection as required by paragraph (2) of this AD.”

(11) Where paragraph (5) of EASA AD 2022–0214 specifies “before next flight after the check as required by paragraph (2) of this AD,” this AD requires replacing that text with “before next flight after the life-raft assembly inspection as required by paragraph (2) of this AD.”

(12) Where paragraph (5) of EASA AD 2022–0214 specifies to inform all flight crews and, thereafter, operate the helicopter accordingly, this AD does not require those actions.

(13) Where Table 1 of paragraph (5) of EASA AD 2022–0214 specifies “Within 120 days after accomplishment of the inspection as required by paragraph (1) of this AD,” this AD requires replacing that text with “Before next flight over water.”

(14) This AD does not adopt the “Remarks” section of EASA AD 2022–0214.

#### (i) No Reporting or Return of Parts

Although the service information referenced in EASA AD 2022–0214 specifies to submit certain information and send removed parts to the manufacturer, this AD does not include those requirements.

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

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, mail it to the attention of the address identified in paragraph (k) of this AD or email to: [9-AVS-AIR-730-AMOC@faa.gov](mailto:9-AVS-AIR-730-AMOC@faa.gov). If mailing information, also submit information by email.

(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) Related Information

For more information about this AD, contact Sungmo Cho, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (781) 238–7241; email: [sungmo.d.cho@faa.gov](mailto: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 this AD specifies otherwise.

(i) European Union Aviation Safety Agency (EASA) AD 2022–0214, dated October 21, 2022.

(ii) [Reserved]

(3) For EASA AD 2022–0214, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone +49 221 8999 000; email [ADS@easa.europa.eu](mailto:ADS@easa.europa.eu); website [easa.europa.eu](http://easa.europa.eu). You may find the EASA material on the EASA website [ad.easa.europa.eu](http://ad.easa.europa.eu).

(4) You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N–321, Fort Worth, TX 76177. 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](http://www.archives.gov/federal-register/cfr/ibr-locations) or email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov).

Issued on February 21, 2024.

#### Victor Wicklund,

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

[FR Doc. 2024–03971 Filed 2–26–24; 8:45 am]

BILLING CODE 4910–13–P

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

[Docket No. FAA–2024–0163; Airspace  
Docket No. 23–AWP–56]

RIN 2120–AA66

**Establishment of Class E Airspace;  
Turlock Municipal Airport, Turlock, CA**

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

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

**SUMMARY:** This action proposes to establish Class E airspace extending upward from 700 feet above the surface at Turlock Municipal Airport, Turlock, CA. This action would support the airport's transition from visual flight rules (VFR) operations to instrument flight rules (IFR) operations.

**DATES:** Comments must be received on or before April 12, 2024.

**ADDRESSES:** Send comments identified by FAA Docket No. [FAA–2024–0163] and Airspace Docket No. [23–AWP–56] using any of the following methods:

\* *Federal eRulemaking Portal:* Go to [www.regulations.gov](http://www.regulations.gov) and follow the online instructions for sending your comments electronically.

\* *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

\* *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

\* *Fax:* Fax comments to Docket Operations at (202) 493–2251.

*Docket:* Background documents or comments received may be read at [www.regulations.gov](http://www.regulations.gov) at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

**FOR FURTHER INFORMATION CONTACT:**

Nathan A. Chaffman, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S. 216th Street, Des Moines, WA 98198; telephone (206) 231–3460.

**SUPPLEMENTARY INFORMATION:****Authority for This Rulemaking**

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would establish Class E airspace to support IFR operations at Turlock Municipal Airport, Turlock, CA.

**Comments Invited**

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should submit only one time if comments are filed electronically, or commenters should send only one copy of written comments if comments are filed in writing.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it receives on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this proposal in light of the comments it receives.

*Privacy:* In accordance with 5 U.S.C. 553(c), DOT solicits comments from the

public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

**Availability of Rulemaking Documents**

An electronic copy of this document may be downloaded through the internet at [www.regulations.gov](http://www.regulations.gov). Recently published rulemaking documents can also be accessed through the FAA's web page at [www.faa.gov/air\\_traffic/publications/airspace\\_amendments/](http://www.faa.gov/air_traffic/publications/airspace_amendments/).

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Operations office (see **ADDRESSES** section for address, phone number, and hours of operations). An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 2200 S. 216th Street, Des Moines, WA 98198.

**Incorporation by Reference**

Class E5 airspace designations are published in paragraph 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document proposes to amend the current version of that order, FAA Order JO 7400.11H, dated August 11, 2023 and effective September 15, 2023. These updates would be published in the next update to FAA Order JO 7400.11. That order is publicly available as listed in the **ADDRESSES** section of this document.

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

**The Proposal**

The FAA is proposing an amendment to 14 CFR part 71 that would establish Class E airspace extending upward from 700 feet above the surface at Turlock Municipal Airport, Turlock, CA. The airport is transitioning from VFR operations to IFR operations and will require Class E airspace extending upward from 700 feet above the surface to contain departing aircraft until reaching 1,200 feet above the surface and arriving aircraft below 1,500 feet above the surface. The proposed Class E airspace would be centered on the airport reference point with a 6.5-mile radius and would extend further to the

north through the east of the airport to provide additional containment due to rising terrain.

### Regulatory Notices and Analyses

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

### Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, “Environmental Impacts: Policies and Procedures” prior to any FAA final regulatory action.

### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

### The Proposed Amendment

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

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

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

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

#### § 71.1 [Amended]

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

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

\* \* \* \* \*

### AWP CA E5 Turlock, CA [New]

Turlock Municipal Airport, CA  
(Lat. 37°29′03″ N, long. 120°41′50″ W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the airport, within a 7.3-mile radius of the airport from the 352° bearing clockwise to the 096° bearing, and within 2 miles either side of the airport’s 046° bearing extending to 8.2 miles northeast of the airport.

\* \* \* \* \*

Issued in Des Moines, Washington, on February 21, 2024.

**B.G. Chew,**

*Group Manager, Operations Support Group,  
Western Service Center.*

[FR Doc. 2024–03874 Filed 2–26–24; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2024–0273; Airspace  
Docket No. 24–AGL–4]

**RIN 2120–AA66**

### Amendment of Class D and Class E Airspace; Saginaw, MI

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

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

**SUMMARY:** This action proposes to amend the Class D and Class E airspace at Saginaw, MI. The FAA is proposing this action as the result of airspace reviews conducted as part of the decommissioning of the Mount Pleasant very high frequency omnidirectional range (VOR) as part of the VOR Minimum Operational Network (MON) Program. This action would also update the names and the geographic coordinates of various airports to coincide with the FAA’s aeronautical database. This action will bring the airspace into compliance with FAA orders and support instrument flight rule (IFR) procedures and operations.

**DATES:** Comments must be received on or before April 12, 2024.

**ADDRESSES:** Send comments identified by FAA Docket No. FAA–2024–0273 and Airspace Docket No. 24–AGL–4 using any of the following methods:

\* *Federal eRulemaking Portal:* Go to [www.regulations.gov](http://www.regulations.gov) and follow the online instruction for sending your comments electronically.

\* *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West

Building Ground Floor, Washington, DC 20590–0001.

\* *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

\* *Fax:* Fax comments to Docket Operations at (202) 493–2251.

*Docket:* Background documents or comments received may be read at [www.regulations.gov](http://www.regulations.gov) at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

#### FOR FURTHER INFORMATION CONTACT:

Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

#### SUPPLEMENTARY INFORMATION:

#### Authority for This Rulemaking

The FAA’s authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency’s authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend the Class D airspace, Class E surface airspace, and Class E airspace extending upward from 700 feet above the surface at MBS International Airport, Saginaw, MI, to support IFR operations at this airport.

#### Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or



views. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should submit only one time if comments are filed electronically, or commenters should send only one copy of written comments if comments are filed in writing.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it received on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this proposal in light of the comments it receives.

**Privacy:** In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT post these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov) as described in the system of records notice (DOT/ALL-14FDMs), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

#### Availability of Rulemaking Documents

An electronic copy of this document may be downloaded through the internet at [www.regulations.gov](http://www.regulations.gov). Recently published rulemaking documents can also be accessed through the FAA's web page at [www.faa.gov/air-traffic/publications/airspace\\_amendments/](http://www.faa.gov/air-traffic/publications/airspace_amendments/).

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address, phone number, and hours of operations). An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

#### Incorporation by Reference

Class D and E airspace is published in paragraphs 5000, 6002, and 6005 of FAA Order JO 7400.11, Airspace

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

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

#### The Proposal

The FAA is proposing an amendment to 14 CFR part 71 by:

Modifying the Class D airspace within a 4.3-mile (decreased from a 4.8-mile) radius of MBS International Airport, Saginaw, MI; and replacing the outdated terms "Notice to Airmen" and "Airport/Facility Directory" with "Notice to Air Missions" and "Chart Supplement";

Modifying the Class E surface airspace to within a 4.3-mile (decreased from a 4.8-mile) radius of MBS International Airport; updating the name (previously Tri City International Airport) and the geographic coordinates of the airport to coincide with the FAA's aeronautical database; and replacing the outdated terms "Notice to Airmen" and "Airport/Facility Directory" with "Notice to Air Missions" and "Chart Supplement";

And modifying the Class E airspace extending upward from 700 feet above the surface to within a 6.8-mile (decreased from a 7-mile) radius of MBS International Airport; removing the Saint Mary's Heliport and associated airspace as the instrument procedures to the heliport have been cancelled and the airspace is no longer required; updating the name of Saginaw County/H.W. Browne Airport (previously Saginaw County H.W. Browne Airport), Saginaw, MI, and the geographic coordinates of MBS International, Saginaw County/H.W. Browne Airport, and Jack Barstow Airport, Midland, MI, to coincide with the FAA's aeronautical database; and removing the cities associated with the airports in the airspace legal description to comply with changes to FAA Order JO 7400.2P, Procedures for Handling Airspace Matters.

This action is the result of airspace reviews conducted as part of the decommissioning of the Mount Pleasant VOR as part of the VOR MON Program and to support IFR procedures and operations at these airports.

#### Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an

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

#### Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures" prior to any FAA final regulatory action.

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

Airspace, Incorporation by reference, Navigation (air).

#### The Proposed Amendment

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

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

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

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

#### § 71.1 [Amended]

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

*Paragraph 5000 Class D Airspace.*

\* \* \* \* \*

#### AGL MI D Saginaw, MI [Amended]

MBS International Airport, MI

(Lat 43°31'59" N, long 84°04'47" W)

That airspace extending upward from the surface to and including 3,200 feet MSL within a 4.3-mile radius of MBS International Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Air Missions. The effective dates and times will



thereafter be continuously published in the Chart Supplement.

\* \* \* \* \*

*Paragraph 6002 Class E Airspace Areas Designated as Surface Areas.*

\* \* \* \* \*

**AGL MI E2 Saginaw, MI [Amended]**

MBS International Airport, MI  
(Lat 43°31'59" N, long 84°04'47" W)

Within a 4.3-mile radius of MBS International Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Air Missions. The effective dates and times will thereafter be continuously published in the Chart Supplement.

\* \* \* \* \*

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

\* \* \* \* \*

**AGL MI E5 Saginaw, MI [Amended]**

MBS International Airport, MI  
(Lat 43°31'59" N, long 84°04'47" W)  
Saginaw County/H.W. Browne Airport, MI  
(Lat 43°26'00" N, long 83°51'44" W)  
James Clements Municipal Airport, MI  
(Lat 43°32'49" N, long 83°53'44" W)  
Jack Barstow Airport, MI  
(Lat 43°39'47" N, long 84°15'41" W)

That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of MBS International Airport; and within a 6.5-mile radius of Saginaw County/H.W. Browne Airport; and within a 6.4-mile radius of James Clements Municipal Airport; and within a 6.4-mile radius of Jack Barstow Airport.

\* \* \* \* \*

Issued in Fort Worth, Texas, on February 21, 2024.

**Martin A. Skinner,**

*Acting Manager, Operations Support Group,  
ATO Central Service Center.*

[FR Doc. 2024-03834 Filed 2-26-24; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

**[Docket No. FAA-2024-0271; Airspace  
Docket No. 24-AGL-2]**

**RIN 2120-AA66**

**Amendment of Class E Airspace;  
Dixon, IL**

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

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

**SUMMARY:** This action proposes to amend the Class E airspace at Dixon, IL. The FAA is proposing this action as the

result of an airspace review conducted due to the decommissioning of the Polo very high frequency omnidirectional range (VOR) as part of the VOR Minimum Operating Network (MON) Program. The name of the airport would also be updated to coincide with the FAA's aeronautical database. This action will bring the airspace into compliance with FAA orders to support instrument flight rule (IFR) operations.

**DATES:** Comments must be received on or before April 12, 2024.

**ADDRESSES:** Send comments identified by FAA Docket No. FAA-2024-0271 and Airspace Docket No. 24-AGL-2 using any of the following methods:

\* *Federal eRulemaking Portal:* Go to [www.regulations.gov](http://www.regulations.gov) and follow the online instruction for sending your comments electronically.

\* *Mail:* Send comments to Docket Operations, M-30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12-140, West Building Ground Floor, Washington, DC 20590-0001.

\* *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

\* *Fax:* Fax comments to Docket Operations at (202) 493-2251.

*Docket:* Background documents or comments received may be read at [www.regulations.gov](http://www.regulations.gov) at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

**FOR FURTHER INFORMATION CONTACT:** Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222-5711.

**SUPPLEMENTARY INFORMATION:**

**Authority for This Rulemaking**

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code.

Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend the Class E airspace extending upward from 700 feet above the surface at Dixon Municipal Airport-Charles R. Walgreen Field, Dixon, IL, to support IFR operations at this airport.

**Comments Invited**

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should submit only one time if comments are filed electronically, or commenters should send only one copy of written comments if comments are filed in writing.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it received on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this proposal in light of the comments it receives.

*Privacy:* In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT post these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov) as described in the system of records notice (DOT/ALL-14FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

**Availability of Rulemaking Documents**

An electronic copy of this document may be downloaded through the internet at [www.regulations.gov](http://www.regulations.gov).

Recently published rulemaking documents can also be accessed through the FAA's web page at [www.faa.gov/air\\_traffic/publications/airspace\\_amendments/](http://www.faa.gov/air_traffic/publications/airspace_amendments/).

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address, phone number, and hours of operations). An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

### Incorporation by Reference

Class E airspace is published in paragraph 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document proposes to amend the current version of that order, FAA Order JO 7400.11H, dated August 11, 2023, and effective September 15, 2023. These updates would be published subsequently in the next update to FAA Order JO 7400.11. That order is publicly available as listed in the **ADDRESSES** section of this document.

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

### The Proposal

The FAA is proposing to amend 14 CFR part 71 by modifying the Class E airspace extending upward from 700 feet above the surface to within a 6.4-mile (decreased from a 6.5-mile) radius of Dixon Municipal Airport-Charles R. Walgreen Field, Dixon, IL; removing the Polo VORTAC and associated extensions from the airspace legal description; and updating the name of the airport (previously Dixon Municipal-Charles R. Walgreen Field) to coincide with the FAA's aeronautical database.

The FAA is proposing this action as the result of an airspace review conducted due to the decommissioning of the Polo VOR as part of the VOR MON Program and to support IFR operations.

### Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It,

therefore: (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures" prior to any FAA final regulatory action.

### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

### The Proposed Amendment

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

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

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

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

#### § 71.1 [Amended]

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

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

\* \* \* \* \*

#### AGL IL E5 Dixon, IL [Amended]

Dixon Municipal Airport-Charles R. Walgreen Field, IL  
(Lat. 41°50'01" N, long 89°26'46" W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Dixon Municipal Airport-Charles R. Walgreen Field.

\* \* \* \* \*

Issued in Fort Worth, Texas, on February 21, 2024.

**Martin A. Skinner,**

*Acting Manager, Operations Support Group,  
ATO Central Service Center.*

[FR Doc. 2024–03838 Filed 2–26–24; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 680

**RIN 0648–BM81**

### Fisheries of the Exclusive Economic Zone; Bering Sea and Aleutian Islands Crab Rationalization Program

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

**ACTION:** Notification of availability of fishery management plan amendment; request for comments.

**SUMMARY:** The North Pacific Fishery Management Council (Council) submitted Amendments 54 and 55 to the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (Crab FMP) to NMFS for review. If approved, Amendments 54 and 55 would revise two provisions of the Crab Rationalization Program (CR Program) to complete the following: change active participation requirements for crab quota share (crab QS) established for vessel operators and crew; and expand the exemptions for CR Program custom processing from processor use caps and remove the CR Program processor facility use cap. These actions are intended to provide operators and crew greater flexibility in meeting CR Program participation requirements and to improve CR Program processor efficiency. This action is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the Crab FMP, and other applicable laws.

**DATES:** Submit comments on or before April 29, 2024.

**ADDRESSES:** You may submit comments on this document, identified by NOAA–NMFS–2023–0159, by any of the following methods:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <https://www.regulations.gov> and enter NOAA–NMFS–2023–0159 in the Search box (note: copying and pasting the

FDMS Docket Number directly from this document may not yield search results). Click on the “Comment” icon, complete the required fields, and enter or attach your comments.

- **Mail:** Submit written comments to Gretchen Harrington, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

**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).

Electronic copies of Amendments 54 and 55 to the Crab FMP, the Regulatory Impact Reviews (RIRs) prepared for Amendment 54 and Amendment 55, and the Categorical Exclusion prepared for this action may be obtained from <https://www.regulations.gov> or from the NMFS Alaska Region website at <https://www.fisheries.noaa.gov/region/alaska>. NMFS determined that this proposed action amending the Crab FMP and implementing the amendments are categorically excluded from requirements to otherwise prepare an environmental assessment under the National Environmental Policy Act.

The Environmental Impact Statement (Program EIS), RIR (Program RIR), Final Regulatory Flexibility Analysis (Program FRFA), and Social Impact Assessment previously prepared for the CR Program are available from the NMFS Alaska Region website at <https://www.fisheries.noaa.gov/region/alaska>.

**FOR FURTHER INFORMATION CONTACT:**

Andrew Olson, 907–586–7228, [andrew.olson@noaa.gov](mailto:andrew.olson@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The Magnuson-Stevens Act requires that each regional fishery management council submit any fishery management plan amendment it prepares to NMFS for review and approval, disapproval, or partial approval by the Secretary of Commerce. The Magnuson-Stevens Act also requires that NMFS, upon receiving a fishery management plan amendment, immediately publish a notice in the **Federal Register** announcing that the amendment is available for public

review and comment. This notice announces that proposed Amendments 54 and 55 to the Crab FMP are available for public review and comment.

NMFS manages the king and Tanner crab fisheries in the U.S. exclusive economic zone of the Bering Sea and Aleutian Islands (BSAI) under the Crab FMP. The Council prepared, and NMFS approved, the Crab FMP under the authority of the Magnuson-Stevens Act, 16 U.S.C. 1801 *et seq.* Regulations governing U.S. fisheries and implementing the Crab FMP appear at 50 CFR parts 600 and 680.

**Background**

NMFS implemented the CR Program as a limited access privilege program, also called a catch share program, for nine crab fisheries in the BSAI on March 2, 2005 (70 FR 10174). The CR Program FMP has been amended seventeen times since 2005. In this document, the phrases “crab fishery” and “crab fisheries”, quota share (QS)”, “individual fishing quota (IFQ)” refer to crab fisheries associated CR Program, unless otherwise specified.

Amendment 54 and 55 to the Crab FMP and this proposed rule would revise two provisions of the CR Program to do the following: (1) change active participation requirements for QS established for CR Program vessel operators and crew; and (2) expand exemptions for custom processing from processor use caps and remove the processor facility use caps.

The CR Program initially assigned QS to persons based on their historic participation in one or more of nine crab fisheries during a specific period. Under the CR Program, NMFS issued four types of QS: catcher vessel owner (CVO) QS was assigned to holders of License Limitation Program (LLP) licenses who delivered their catch to shoreside crab processors or to stationary floating crab processors; catcher/processor vessel owner (CPO) QS was assigned to LLP license holders who harvested and processed their catch at sea; catcher/processor crew (CPC) QS was issued to vessel operators and crew on board catcher/processor vessels; and catcher vessel crew (CVC) QS was issued to vessel operators and crew on board catcher vessels. CPC QS and CVC QS are also called C shares. Each crab fishing year, which is the period from July 1 of one calendar year through June 30 of the following calendar year, a person who holds QS may receive an exclusive harvest privilege for a portion of the annual total allowable catch (TAC), called individual fishing quota (IFQ).

Both in original CR Program design and reinforced through the subsequent

Amendment 31 to the Crab FMP (80 FR 15891, March 26, 2015), the Council and NMFS intended that individuals holding CVC QS and CPC QS be active participants in crab fisheries so that QS is not held by inactive individuals for extended periods of time. Since June 2018 (3 years after implementation of Amendment 31), in order to receive an annual allocation of CVC QS or CPC QS IFQ, the regulations require a CVC QS and CPC QS holder to have either met one of the following:

- (1) participated as crew in at least one delivery in a CR Program crab fishery in the three crab fishing years preceding the crab fishing year for which the holder is applying for IFQ; or

- (2) if the individual was an initial recipient of CVC QS or CPC QS, participated as crew in at least 30 days of fishing in a commercial fishery managed by the State of Alaska or a U.S. commercial fishery in Federal waters off Alaska in the three crab fishing years preceding the crab fishing year for which the holder is applying for IFQ. Initial recipients of CVC QS and CPC QS can demonstrate active participation using either option while new entrants are limited to participating as crew in at least one delivery in a CR Program crab fishery.

NMFS also issued processor quota share (PQS) to processors based on their historic participation in one or more of the nine crab fisheries during a specific period. Each year, PQS yields an exclusive privilege to process a portion of the IFQ in each of the nine crab fisheries. This annual exclusive processing privilege is called individual processor quota (IPQ). A portion of the QS issued yields IFQ that is required to be delivered to a processor with IPQ. CVO QS is subject to designation as either Class A IFQ or Class B IFQ. Ninety percent of the IFQ derived from CVO QS is designated as Class A IFQ, and the remaining 10 percent is designated as Class B IFQ. Class A IFQ holders must be matched and delivered to a processor with IPQ that have available IPQ, also known as “share matching”. Class B IFQ is not required to be delivered to a processor holding IPQ for that fishery. Each year there is a one-to-one match of the total pounds of Class A IFQ with the total pounds of IPQ issued in each crab fishery.

When the Council recommended the CR Program, it expressed concern about the potential for excessive consolidation of QS and PQS, in which too few persons control all of the QS or PQS and the resulting annual IFQ and IPQ as well as concern for regional consolidation of processors. The Council determined that excessive

consolidation could have adverse effects on crab markets, price setting negotiations between harvesters and processors, employment opportunities for harvesting and processing crew, tax revenue to communities in which crab are landed, exclusion of regional locations that had crab landing and processing history, and other factors considered and described in the Program EIS. To address these concerns, the CR Program limits the amount of QS that a person can hold (*i.e.*, own), the amount of IFQ that a person can use (*i.e.*, harvest crab), and the amount of IFQ that can be used on board a vessel (*i.e.*, vessel harvest cap). Similarly, the CR Program limits the amount of PQS that a person can hold (*i.e.*, own), the amount of IPQ that a person can use (*i.e.*, process crab), and the amount of IPQ that can be processed or custom processed at a given CR Program crab processing facility (*i.e.*, processor cap). These limits are commonly referred to as ownership caps and use caps. Additionally, regional landing designations were created for Class A QS based on the historic location that gave rise to the share.

#### Amendment 54

Amendment 54 would modify participation requirements for all CVC QS and CPC QS holders by instituting the following: (1) restarting the 3- and 4-year rolling timeframes for meeting active participation requirements for all CVC QS and CPC QS holders; (2) authorizing NMFS to reissue QS that was revoked between July 1, 2019 and the effective date of a final rule implementing Amendment 54, (3) standardizing and expanding the requirements by expanding the type of activity that would qualify as participation by allowing all CVC QS and CPC QS holders to participate in 30 days of fishing in any commercial fishery off Alaska, including crew on a tender vessel, (4) clarifying that the requirement to participate as crew in one crab delivery also includes participating in the fishing trip that results in a crab landing, and (5) clarifying the exemption for CVC QS and CPC QS holders with QS exclusively in closed CR Program fisheries applies to a CVC QS or CPC QS holder with QS in more than just a single closed CR Program fishery.

The Council and NMFS established CVC QS and CPC QS, which are transferrable, with participation requirements as a mechanism to keep a portion of the crab QS in the hands of active fishery participants and provide opportunities for new entrants into the fishery. The Council recognized that some fishery participants struggled to maintain active participation during the COVID-19 pandemic and recent closures of crab fisheries due to low abundance, but the Council wanted to retain a participation requirement. Amendment 54 provides additional flexibility to existing CVC QS and CPC QS holders and continues to ensure that CVC QS and CPC QS is held by active fishery participants.

#### Amendment 55

Amendment 55 would exempt custom processing of Bering sea snow crab (*Chionoecetes opilio*) (BSS) IPQ with a south region designation, Bristol Bay red king crab (BBR) IPQ, and Western Aleutian Island golden king crab (WAG) IPQ processed east of 174° W from being counted against a processor IPQ use cap. By exempting custom processing in these three crab fisheries, this action would align the application of the IPQ use caps across all crab fisheries. Further, Amendment 55 would also remove the 60 percent CR Program processor facility use cap applicable to the Eastern Aleutian Island golden king crab (*Lithodes aequispinus*) (EAG) and Western Aleutian Island red king crab (*Paralithodes camtschaticus*) (WAI) fisheries. The EAG and WAI crab fisheries are the only two crab fisheries subject to a cap on the amount of IPQ that can be used as a facility (as distinguished from the IPQ use caps, which are specific to the IPQ holder). By exempting custom processing in these three fisheries, this action would align the application of the IPQ custom processing use caps across all CR Program fisheries.

The Council and NMFS recognize that the existing facility and IPQ use caps were designed and implemented when crab TACs were at a much higher level than recent years. Without Amendment 55, four unaffiliated processing facilities would need to operate to fully process the crab fisheries. This is due to share matching requirements in order to custom process crab in the BBR, south designated BSS and WAG east of 174°

W longitude. Given the high costs of operating a processing facility in the BSAI, this is not economically viable when very low amounts of crab are available. Amendment 55 allows for more custom processing opportunities but also benefits the processing sector overall by not forcing more facilities than are needed to process relatively small TACs.

Amendment 55 is expected to improve processing efficiency in the fisheries. Additionally, the proposed action is expected to minimize costs and avoid unnecessary duplication by simplifying regulations and reducing resources needed to monitor and enforce the use caps. The proposed action would help CR Program harvesters by ensuring that all available IFQ have an opportunity to be processed rather than leaving a portion of the A share IFQ stranded if there are not enough processors operating, which could also benefit communities with processing facilities.

Public comments are solicited on proposed Amendments 54 and 55 to the Crab FMP through the end of the comment period (see **DATES**). NMFS intends to publish in the **Federal Register** and seek public comment on a proposed rule that would implement Amendments 54 and 55, following NMFS' evaluation of the proposed rule under the Magnuson-Stevens Act. Public comments on the proposed rule must be received by the end of the comment period on Amendments 54 and 55 to be considered in the approval/disapproval decision on Amendments 54 and 55. All comments received by the end of the comment period on Amendments 54 and 55, whether specifically directed to the amendments or the proposed rule, will be considered in the amendment approval/disapproval decision. Comments received after that date will not be considered in the approval/disapproval decision on the amendments. To be considered, comments must be received, not just postmarked or otherwise transmitted, by the last day of the comment period.

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

Dated: February 21, 2024.

**Everett Wayne Baxter,**  
Acting Director, Office of Sustainable  
Fisheries, National Marine Fisheries Service.  
[FR Doc. 2024-03923 Filed 2-26-24; 8:45 am]

**BILLING CODE 3510-22-P**

# Notices

Federal Register

Vol. 89, No. 39

Tuesday, February 27, 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.

## COMMISSION ON CIVIL RIGHTS

### Notice of Public Meeting of the Pennsylvania Advisory Committee to the U.S. Commission on Civil Rights

**AGENCY:** U.S. Commission on Civil Rights.

**ACTION:** Announcement of meetings.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Pennsylvania Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a meeting on Wednesday February 28, 2024 from 12 p.m.–1 p.m. eastern time. The purpose of the meeting is to prepare for a series of public briefings as part of the Committee's current study of the use of AI in education. Wednesday February 28, 2024 from 12 p.m.–1 p.m. eastern time.

**ADDRESSES:**

*Registration (Audio/Visual):* <https://www.zoomgov.com/j/1607685298?pwd=SVFMdCtTRTdRZ1Q1eDZoY1BWcDIUT09>.

*Telephone (Audio Only):* (833) 435–1820 Toll Free; Meeting ID: 160 768 5298.

**FOR FURTHER INFORMATION CONTACT:**

Melissa Wojnaroski, DFO, at [mwojnaroski@usccr.gov](mailto:mwojnaroski@usccr.gov) or (202) 618–4158.

**SUPPLEMENTARY INFORMATION:** Members of the public may listen to these discussions. Committee meetings are available to the public through the above listed online registration link (audio/visual) or teleconference phone line (audio only). An open comment period will be provided to allow members of the public to make a statement as time allows. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The

Commission will not refund any incurred charges. Closed captions will be provided. Individuals requiring other accommodations may contact Corrine Sanders at [csanders@usccr.gov](mailto:csanders@usccr.gov) 10 days prior to the meeting to make their request.

Members of the public are also 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 [csanders@usccr.gov](mailto:csanders@usccr.gov). Persons who desire additional information may contact the Regional Programs Unit at (202) 618–4158.

Records generated from this meeting may be inspected and reproduced as they become available, both before and after the meeting. Records of the meeting will be available via [www.facadatabase.gov](http://www.facadatabase.gov) under the Commission on Civil Rights, Pennsylvania Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may contact the Regional Programs Unit at the above email address.

### Agenda

- I. Welcome & Roll Call
- II. Discussion
- III. Public Comment
- IV. Next
- 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 because of the exceptional circumstance of the upcoming expiration of the current Committee appointment term and the resulting timeline under which the Committee must complete its next and final project.

Dated: February 22, 2024.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2024–03975 Filed 2–26–24; 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 p.m. MT on Thursday, March 28, 2024. The purpose of this meeting is to discuss the Committee's project, *Housing Discrimination and Fair Housing Practices in Wyoming*.

**DATES:** Thursday, March 28, 2024, from 1 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\\_rKDNbB2YSYa4dp7i3y7wDQ](https://www.zoomgov.com/webinar/register/WN_rKDNbB2YSYa4dp7i3y7wDQ).

*Join by Phone (Audio Only):* (833) 435–1820 USA Toll-Free; Meeting ID: 160 669 9796.

**FOR FURTHER INFORMATION CONTACT:**

Kayla Fajota, Designated Federal Officer, at [kfajota@usccr.gov](mailto: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](mailto:lschiller@usccr.gov) at least 10 business days prior to the meeting.

Members of the public are entitled to submit written comments; the comments must be received in the

regional office within 30 days following the meeting. Written comments may be emailed to Kayla Fajota at [kfajota@usccr.gov](mailto: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](http://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](mailto:lschiller@usccr.gov).

#### Agenda

- I. Welcome & Roll Call
- II. Approval of Minutes
- III. Committee Discussion
- IV. Public Comment
- V. Adjournment

Dated: February 22, 2024.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2024–03972 Filed 2–26–24; 8:45 am]

BILLING CODE P

## DEPARTMENT OF COMMERCE

### Economic Development Administration

#### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Workforce System Metrics

**AGENCY:** Economic Development Administration, Department of Commerce.

**ACTION:** Notice of Information Collection, request for comment.

**SUMMARY:** The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general

public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on September 26, 2023 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

**ADDRESSES:** Interested persons are invited to submit written comments via email to Patrick Bourke, Good Jobs Program Lead, Economic Development Administration, at [PBourke@eda.gov](mailto:PBourke@eda.gov) or [PRAComments@doc.gov](mailto:PRAComments@doc.gov). Do not submit Confidential Business Information or otherwise sensitive or protected information.

#### FOR FURTHER INFORMATION CONTACT:

Requests for additional information or specific questions related to collection activities should be directed to Patrick Bourke, Good Jobs Program Lead, Economic Development Administration, by phone at (202) 209–4295 or by email [PBourke@eda.gov](mailto:PBourke@eda.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

The Economic Development Administration (EDA) leads the Federal economic development agenda by promoting innovation and competitiveness, preparing American regions for growth and success in the worldwide economy. Guided by the basic principle that sustainable economic development should be driven locally, EDA works directly with communities and regions to help them build the capacity for economic development based on local business conditions and needs. The Public Works and Economic Development Act of 1965 (PWEDA) (42 U.S.C. 3121 *et seq.*) is EDA's organic authority and is the primary legal authority under which EDA awards financial assistance. Under PWEDA, EDA provides financial assistance to both rural and urban distressed communities by fostering entrepreneurship, innovation, and productivity through investments in infrastructure development, capacity building, and business development to attract private capital investments and

new and better jobs to regions experiencing economic distress. Further information on EDA programs and financial assistance opportunities can be found at [www.eda.gov](http://www.eda.gov).

To effectively administer and monitor its economic development assistance programs, EDA collects certain information from applications for, and recipients of, EDA investment assistance. The purpose of this notice is to seek comments from the public and other Federal agencies on a request for a revision to the information collected from recipients of awards under the EDA American Rescue Plan Act (ARPA) Good Jobs Challenge. This is aligned with ensuring that Federal workforce investments are evidence-based and data-driven, and accountable to participants and the public. The original data collection instrument was filed under OMB 0610–0109. This request is to revise an existing question and add a new question to the current data collection instrument. The revised question will ask grantees to report participants' training status instead of asking if they have completed training, this will provide further disaggregated data. The new question will be asked of training providers to provide the total number of participants that completed the training program and have no plans to re-enroll in further training.

##### II. Method of Collection

Data will be collected electronically.

##### III. Data

OMB Control Number: 0610–0109.

Form Number(s): None.

Type of Request: Revision of a currently approved collection.

Number of Respondents: System Lead Entities: 32 respondents, responding semiannually; Training Providers: 200 respondents, responding quarterly; and Participants: 10,000 respondents, responding once. As the Good Jobs Challenge is a new program, EDA anticipates that these estimates will continue to be further refined based on data determined post-award.

Average Hours per Response: System Lead Entity: 2 hours; Training Providers: 45 minutes per provider; Participants: 5 minutes.

Type of respondent (annual)	Number of respondents	Hours per response	Number of responses per year	Total estimated time (hours)
System Lead Entities .....	32	2 hours .....	2 (Semiannual)	128
Training Providers .....	* 400	45 minutes per training provider.	4 (Quarterly)	1200

Type of respondent (annual)	Number of respondents	Hours per response	Number of responses per year	Total estimated time (hours)
Participants .....	* 4,200	5 minutes per participant.	4 (Quarterly)	1,400
Total .....	4,632	.....	.....	2,728

*Burden Hours:* 2,728 hours.

*Affected Public:* Recipients of ARPA Good Jobs Challenge awards, which may include a(n): District Organization; Indian Tribe or a consortium of Indian Tribes; State, county, city, or other political subdivision of a State, including a special purpose unit of a state or local government engaged in economic or infrastructure development activities or a consortium of political subdivisions; Institution of Higher Education or a consortium of institutions of higher education; or Public or private non-profit organization or association, including labor unions, acting in cooperation with officials of a political subdivision of a State. Additionally, training providers and participants in regional workforce training systems will be affected.

*Respondent's Obligation:* Mandatory for System Lead Entities and Training Providers.

*Legal Authority:* The Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 *et seq.*).

This information collection request may be viewed at [www.reginfo.gov](http://www.reginfo.gov). Follow the instructions to view the Department of Commerce collections currently under review by OMB.

#### IV. Request for Comments

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function and entering either the title of the collection or the OMB Control Number 0610-0109.

**Sheleen Dumas,**

*Department PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.*

[FR Doc. 2024-03938 Filed 2-26-24; 8:45 am]

BILLING CODE 3510-34-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### United States-Mexico-Canada Agreement (USMCA), Article 10.12: Binational Panel Review: Notice of Request for Panel Review

**AGENCY:** United States Section, USMCA Secretariat, International Trade Administration, Department of Commerce.

**ACTION:** Notice of USMCA Request for Panel Review.

**SUMMARY:** Two Requests for Panel Review were filed in the matter of Tin Mill Products from Canada: Final Affirmative Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances with the U.S. Section of the USMCA Secretariat on February 8, 2024. The First Request for Panel Review was filed on behalf of The Government of Canada, and the second was filed on behalf of ArcelorMittal Dofasco G.P.

**FOR FURTHER INFORMATION CONTACT:** Vidya Desai, United States Secretary, USMCA Secretariat, Room 2061, 1401 Constitution Avenue NW, Washington, DC 20230, 202-482-5438.

**SUPPLEMENTARY INFORMATION:** The final results were determined by the United States Department of Commerce and were published in the **Federal Register** on January 10, 2024 (89 FR 1542). The USMCA Secretariat has assigned case number USA-CDA-2024-10.12-02 to this request.

Article 10.12 of Chapter 10 of USMCA provides a dispute settlement mechanism involving trade remedy determinations issued by the Government of the United States, the Government of Canada, and the Government of Mexico. Following a Request for Panel Review, a Binational Panel is composed to review the trade remedy determination being challenged and issue a binding Panel Decision. There are established USMCA *Rules of Procedure for Article 10.12 (Binational Panel Reviews)*, which were adopted by the three governments for panels requested pursuant to Article 10.12(2) of USMCA which requires Requests for Panel Review to be published in

accordance with Rule 40. For the complete Rules, please see [https://can-mex-usa-sec.org/secretariat/agreement-accord-acuerdo/usmca-aceum-tmec/rules-regles-reglas/article-article-articulo\\_10\\_12.aspx?lang=eng](https://can-mex-usa-sec.org/secretariat/agreement-accord-acuerdo/usmca-aceum-tmec/rules-regles-reglas/article-article-articulo_10_12.aspx?lang=eng).

The Rules provide that:

(a) A Party or interested person may challenge the final determination in whole or in part by filing a Complaint in accordance with Rule 44 no later than 30 days after the filing of the first Request for Panel Review (the deadline for filing a Complaint is March 11, 2024);

(b) A Party, an investigating authority or other interested person who does not file a Complaint but who intends to participate in the panel review shall file a Notice of Appearance in accordance with Rule 45 no later than 45 days after the filing of the first Request for Panel Review (the deadline for filing a Notice of Appearance is March 25, 2024);

(c) The panel review will be limited to the allegations of error of fact or law, including challenges to the jurisdiction of the investigating authority, that are set out in the Complaints filed in the panel review and to the procedural and substantive defenses raised in the panel review.

Dated: February 12, 2024.

**Vidya Desai,**

*United States Secretary, USMCA Secretariat.*

[FR Doc. 2024-03209 Filed 2-26-24; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-133, C-570-134]

#### Certain Metal Lockers and Parts Thereof From the People's Republic of China: Initiation and Preliminary Results of Changed Circumstances Reviews, and Intent To Revoke the Antidumping and Countervailing Duty Orders, in Part

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The U.S. Department of Commerce (Commerce) is initiating and issuing preliminary results of changed



circumstances reviews (CCR) of the antidumping duty (AD) and countervailing duty (CVD) orders on certain metal lockers and parts thereof (metal lockers) from the People's Republic of China (China), to revoke the orders, in part, with respect to certain metal safes. Interested parties are invited to comment on these preliminary results.

**DATES:** Applicable February 27, 2024.

**FOR FURTHER INFORMATION CONTACT:** Matthew Palmer, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-1678.

**SUPPLEMENTARY INFORMATION:**

**Background**

On August 20, 2021, Commerce published the AD and CVD orders on metal lockers from China.<sup>1</sup> On January 16, 2024, SA Consumer Products (SA) and Academy, Ltd. (doing business as Academy Sports + Outdoors) (Academy), requested, through a CCR request, that Commerce amend the scope of, and retroactively revoke the *Orders*, in part, pursuant to section 751(b) of the Tariff Act of 1930, as amended (the Act), 19 CFR 351.216, and 19 CFR 351.221(c)(3)(ii).<sup>2</sup> SA and Academy stated that they qualify as importers of certain metal safes currently subject to duties and, as such, are interested parties pursuant to section 771(9)(A) of the Act and 19 CFR 351.102(b)(29)(ii).<sup>3</sup>

On January 31, 2024, List Industries, Inc. (List) and Tenssco LLC (Tenssco) (collectively, petitioners), the petitioners in the original investigations leading to the *Orders*, filed comments in support of amending the scope of the *Orders* to exclude certain metal safes as defined in SA and Academy's proposed scope language.<sup>4</sup> The petitioners otherwise oppose any amendment to the safe exclusion beyond the language proposed by SA and Academy.<sup>5</sup> The Petitioners' Comments include

additional letters of support from the domestic industry,<sup>6</sup> and furthermore, demonstrate that the existing support represents substantially all of the production of the domestic like product.<sup>7</sup>

**Scope of the Orders**

The scope of the *Orders* covers certain metal lockers, with or without doors, and parts thereof (metal lockers). The subject metal lockers are secure metal storage devices less than 27 inches wide and less than 27 inches deep, whether floor standing, installed onto a base or wall-mounted. In a multiple locker assembly (whether a welded locker unit, otherwise assembled locker unit or knocked down unit or kit), the width measurement shall be based on the width of an individual locker not the overall unit dimensions. All measurements in this scope are based on actual measurements taken on the outside dimensions of the single-locker unit. The height is the vertical measurement from the bottom to the top of the unit. The width is the horizontal (side to side) measurement of the front of the unit, and the front of the unit is the face with the door or doors or the opening for internal access of the unit if configured without a door. The depth is the measurement from the front to the back of the unit. The subject certain metal lockers typically include the bodies (back, side, shelf, top and bottom panels), door frames with or without doors which can be integrated into the sides or made separately, and doors.

The subject metal lockers typically are made of flat-rolled metal, metal mesh and/or expanded metal, which includes but is not limited to alloy or non-alloy steel (whether or not galvanized or otherwise metallicity coated for corrosion resistance), stainless steel, or aluminum, but the doors may also include transparent polycarbonate, Plexiglas or similar transparent material or any combination thereof. Metal mesh refers to both wire mesh and expanded metal mesh. Wire mesh is a wire product in which the horizontal and transverse wires are welded at the cross-section in a grid pattern. Expanded metal mesh is made by slitting and stretching metal sheets to make a screen of diamond or other shaped openings.

Where the product has doors, the doors are typically configured with or for a handle or other device or other means that permit the use of a mechanical or electronic lock or locking mechanism, including, but not limited to: a combination lock, a padlock, a key lock, (including cylinder type key locks) lever or knob lock, electronic key pad, other electronic or a wireless lock. The handle and locking mechanism, if included, need not be integrated into one another. The subject locker may or may not also enter with the lock or locking device included or installed. If entered with a lock, the lock itself is not in-scope merchandise. The doors or body panels may also include vents (including wire mesh or expanded metal mesh vents) or perforations. The bodies, body components and doors are typically powder coated, otherwise painted or epoxy coated or may be unpainted. The subject merchandise includes metal lockers imported either as welded or otherwise assembled units (ready for installation or use) or as knocked down units or kits (requiring assembly prior to installation or use).

The subject lockers may be shipped as individual or multiple locker units preassembled, welded, or combined into banks or tiers for ease of installation or as sets of component parts, bulk packed (*i.e.*, all backs in one package, crate, rack, carton or container and sides in another package, crate, rack, carton or container) or any combination thereof. The knocked down lockers are shipped unassembled requiring a supplier, contractor or end-user to assemble the individual lockers and locker banks prior to installation.

The scope also includes all parts and components of lockers made from flat-rolled metal or expanded metal (*e.g.*, doors, frames, shelves, tops, bottoms, backs, side panels, etc.) as well as accessories that are attached to the lockers when installed (including, but not limited to, slope tops, bases, expansion filler panels, dividers, recess trim, decorative end panels, and end caps) that may be imported together with lockers or other locker components or on their own. The particular accessories listed for illustrative purposes are defined as follows:

a. *Slope tops:* Slope tops are slanted metal panels or units that fit on the tops of the lockers and that slope from back to front to prevent the accumulation of dust and debris on top of the locker and to discourage the use of the tops of lockers as storage areas. Slope tops come in various configurations including, but not limited to, unit slope tops (in place of flat tops), slope hoods made of a back, top and end pieces

<sup>1</sup> See *Certain Metal Lockers and Parts Thereof from the People's Republic of China: Antidumping and Countervailing Duty Orders*, 86 FR 46826 (August 20, 2021) (*Orders*).

<sup>2</sup> See SA and Academy's Letter, "Request for an Expedited Changed Circumstances Review to Amend the Scope of the Orders," dated January 16, 2024 (SA and Academy's CCR Request).

<sup>3</sup> *Id.* at 2; see also Academy, Ltd.'s APO Supporting Documents," dated February 7, 2024 at Attachment 1.

<sup>4</sup> See Petitioners' Letter, "Response to Request for an Expedited Changed Circumstances Review to Amend the Scope of the Orders," dated January 31, 2024 (Petitioners' Comments) (citing SA and Academy's CCR Request).

<sup>5</sup> *Id.* (citing SA and Academy's CCR Request at 2).

<sup>6</sup> See Petitioners' Comments at 3 and Attachment 1; see also Petitioners' Letter, "Petitioners' Response to First Supplemental Questionnaire," dated February 7, 2024 (Petitioners' First Supplemental Response).

<sup>7</sup> See Petitioners' First Supplemental Response at 3 and Attachment 1; and Petitioner's Letter, "Petitioners' Submission of Amended Domestic Industry Form," dated February 13, 2024.



which fit over multiple units and convert flat tops to a sloping tops, and slope top kits that convert flat tops to sloping tops and include tops, backs and ends.

b. *Bases*: Locker bases are panels made from flat-rolled metal that either conceal the legs of the locker unit, or for lockers without legs, provide a toe space in the front of the locker and conceal the flanges for floor anchoring.

c. *Expansion filler panel*: Expansion filler panels or fillers are metal panels that attach to locker units to cover columns, pipes or other obstacles in a row of lockers or fill in gaps between the locker and the wall. Fillers may also include metal panels that are used on the sides or the top of the lockers to fill gaps.

d. *Dividers*: Dividers are metal panels that divide the space within a locker unit into different storage areas.

e. *Recess trim*: Recess trim is a narrow metal trim that bridges the gap between lockers and walls or soffits when lockers are recessed into a wall.

f. *Decorative end panels*: End panels fit onto the exposed ends of locker units to cover holes, bolts, nuts, screws and other fasteners. They typically are painted to match the lockers.

g. *End caps*: End caps fit onto the exposed ends of locker units to cover holes, bolts, nuts, screws and other fasteners.

The scope also includes all hardware for assembly and installation of the lockers and locker banks that are imported with or shipped, invoiced, or sold with the imported locker or locker system except the lock.

Excluded from the scope are wire mesh lockers. Wire mesh lockers are those with each of the following characteristics:

(1) at least three sides, including the door, made from wire mesh;

(2) the width and depth each exceed 25 inches; and

(3) the height exceeds 90 inches.

Also excluded are lockers with bodies made entirely of plastic, wood or any nonmetallic material.

Also excluded are exchange lockers with multiple individual locking doors mounted on one master locking door to access multiple units. Excluded exchange lockers have multiple individual storage spaces, typically arranged in tiers, with access doors for each of the multiple individual storage space mounted on a single frame that can be swung open to allow access to all of the individual storage spaces at once. For example, uniform or garment exchange lockers are designed for the distinct function of securely and hygienically exchanging clean and

soiled uniforms. Thus, excluded exchange lockers are a multi-access point locker whereas covered lockers are a single access point locker for personal storage. The excluded exchange lockers include assembled exchange lockers and those that enter in 'knock down' form in which all of the parts and components to assemble a completed exchange locker unit are packaged together. Parts of exchange lockers are not excluded.

Also excluded are metal lockers that are imported with an installed electronic, internet-enabled locking device that permits communication or connection between the locker's locking device and other internet connected devices.

Also excluded are locks and hardware and accessories for assembly and installation of the lockers, locker banks and storage systems that are separately imported in bulk and are not incorporated into a locker, locker system or knocked down kit at the time of importation. Such excluded hardware and accessories include but are not limited to locks and bulk imported rivets, nuts, bolts, hinges, door handles, door/frame latching components, and coat hooks. Accessories of sheet metal, including but not limited to end panels, bases, dividers and sloping tops, are not excluded accessories.

Mobile tool chest attachments that meet the physical description above are covered by the scope of the Order, unless such attachments are covered by the scope of the ongoing proceedings on certain tool chests and cabinets from China. If the proceedings on certain tool chests and cabinets from China are terminated, the mobile tool chest attachments from China will be covered by the scope of this proceeding.

The scope also excludes metal safes with each of the following characteristics: (1) pry resistant, concealed hinges; (2) body walls and doors of steel that are at least 17 gauge (0.05625 inch or 1.42874 mm thick); and (3) an integrated locking mechanism that includes at least two round steel bolts 0.75 inch (19 mm) or larger in diameter; or three bolts 0.70 inch (17.78 mm) or more in diameter; or four or more bolts at least 0.60 inch (15.24 mm) or more in diameter, that project from the door into the body or frame of the safe when in the locked position.

The scope also excludes gun safes meeting each of the following requirements:

(1) Shall be able to fully contain firearms and provide for their secure storage.

(2) Shall have a locking system consisting of at minimum a mechanical

or electronic combination lock. The mechanical or electronic combination lock utilized by the safe shall have at least 10,000 possible combinations consisting of a minimum three numbers, letters, or symbols. The lock shall be protected by a casehardened (Rc 60+) drill-resistant steel plate, or drill-resistant material of equivalent strength.

(3) Boltwork shall consist of a minimum of three steel locking bolts of at least 1/2-inch thickness that intrude from the door of the safe into the body of the safe or from the body of the safe into the door of the safe, which are operated by a separate handle and secured by the lock.

(4) The exterior walls shall be constructed of a minimum 12-gauge thick steel for a single-walled safe, or the sum of the steel walls shall add up to at least 0.100 inches for safes with walls made from two pieces of flat-rolled steel.

(5) Doors shall be constructed of a minimum one layer of 7-gauge steel plate reinforced construction or at least two layers of a minimum 12-gauge steel compound construction.

(6) Door hinges shall be protected to prevent the removal of the door. Protective features include, but are not limited to: hinges not exposed to the outside, interlocking door designs, dead bars, jeweler's lugs and active or inactive locking bolts.

The scope also excludes gun safes meeting each of the following requirements:

(1) Shall be able to fully contain firearms and provide for their secure storage.

(2) Shall have a locking system consisting of at minimum a mechanical or electronic combination lock with a lock body that is integrated into the door of the safe. The mechanical or electronic combination lock utilized by the safe shall have at least 10,000 possible combinations consisting of a minimum three numbers, letters, or symbols.

(3) Bolt work shall consist of a minimum of three steel locking bolts of at least 1/2-inch diameter that intrude from the door of the safe into the body of the safe or from the body of the safe into the door of the safe, which are operated by a separate handle and secured by the lock.

(4) The exterior walls (inclusive of the floor and top) shall be constructed of a minimum 14-gauge thick steel and shall be lined with one or more layers of fire-retardant gypsum board bonded, affixed with brackets or otherwise securely attached to the exterior walls. The fire retardant gypsum board shall be at least 15 mm in thickness for a single layer or

shall sum to at least 19 mm in thickness where multiple layers are combined together.

(5) Doors shall be constructed of a minimum of one layer of 14-gauge steel lined with a minimum of one layer of 15 mm thick, fire-retardant gypsum board bonded, affixed with brackets or otherwise securely attached to the door. The doors shall fit into jambs equipped with a fire seal fitted completely around the door frame consisting of a hydrated sodium silicate encapsulated in a plastic film or sleeve that, when heat-activated by temperatures of over 210 degrees, expands to cover the space between the jambs and door, providing a barrier to prevent the intrusion of flames, gas, or smoke into the safe.

(6) Door hinges shall be protected to prevent the removal of the door. Protective features include but are not limited to: hinges not exposed to the outside, interlocking door designs, dead bars, jeweler's lugs and active or inactive locking bolts.

(7) The excluded safe must be imported in the fully assembled condition.

The scope also excludes metal storage devices that (1) have two or more exterior exposed drawers regardless of the height of the unit, or (2) are no more than 30 inches tall and have at least one exterior exposed drawer.

Also excluded from the scope are free standing metal cabinets less than 30 inches tall with a single opening, single door and an installed tabletop.

The scope also excludes metal storage devices less than 27 inches wide and deep that: (1) have two doors hinged on the right and left side of the door frame respectively covering a single opening and that open from the middle toward the outer frame; or (2) are free standing or wall-mounted, single-opening units 20 inches or less high with a single door.

The subject certain metal lockers are classified under Harmonized Tariff Schedule of the United States (HTSUS) subheading 9403.20.0078. Parts of subject certain metal lockers are classified under HTSUS subheading 9403.90.8041. In addition, subject certain metal lockers may also enter under HTSUS subheading 9403.20.0050. While HTSUS subheadings are provided for convenience and Customs purposes, the written description of the scope of this Order is dispositive.

### Proposed Revocation of the Orders, in Part

SA and Academy requested that the *Orders* be revoked, in part, and

retroactively,<sup>8</sup> with respect to certain metal safes, specifically requesting that exclusion language be added to the scope, independent from the existing metal safe exclusion to further exclude other metal safes.<sup>9</sup> Furthermore, SA and Academy requested that Commerce conduct an expedited CCR.<sup>10</sup> SA/ Academy's CCR Request does not seek to amend or replace the existing exclusion for metal safes,<sup>11</sup> but instead proposes that Commerce adopt new exclusion language to be added to the scope of the *Orders* as follows:<sup>12</sup>

The scope also excludes metal safes with each of the following characteristics:

(1) Pry resistant hinges, whether concealed or external. External hinges must be accompanied by solid steel inactive bolts (minimum 0.75 inch (19 mm) diameter) or plates (minimum 0.177 inch (4.5 mm) thickness), welded or bolted to the door and protrude into the safe and into or behind the door frame by at least 0.39 inches (10 mm) to prevent the physical removal or opening of the door;

(2) body walls and doors made of steel that is at least 17 gauge (0.05625 inch or 1.42874 mm thick);

(3) an integrated locking mechanism that includes one of the following: (a) at least two round steel active bolts 0.75 inch (19 mm) or larger in diameter; (b) three or more steel active bolts 0.70 inch (17.78 mm) or more in diameter; (c) four or more steel active bolts at least 0.60 inch (15.24 mm) or more in diameter; or (d) four or more flat steel locking plates (at least two active and two inactive) of a minimum of 0.177 inch (4.5 mm) in thickness and minimum height of 1.57 inches (40 mm), that extend out from the door by at least 0.78 inches (20 mm). The bolts or plates must project from the door, into the safe, and into or behind the door frame by at least 0.39 inches (10 mm) to prevent the physical removal or opening of the door; and

(4) made of a welded body construction and enter the United States fully assembled.

For a complete description of the proposed scope of these *Orders*, see the appendix to this notice.

### Initiation of CCRs

Pursuant to section 751(b)(1) of the Act, Commerce will conduct a CCR upon receipt of a request from an interested party that shows changed circumstances sufficient to warrant a review of the *Orders*. In accordance

<sup>8</sup> See SA and Academy's CCR Request at 13 (requesting to apply the revocation retroactively to December 1, 2021).

<sup>9</sup> See SA and Academy's CCR Request at 10 and Exhibit 1 (showing examples of metal safe models that would be excluded if the proposed scope amendment is adopted).

<sup>10</sup> *Id.* at 10–11, 13–14 (citing 19 CFR 351.216(e)).

<sup>11</sup> *Id.* at 10.

<sup>12</sup> *Id.* at 11–12 (We note that SA and Academy request that the proposed language be added between the existing metal safe and gun safe exclusion language in the existing scope of the *Orders*.)

with 19 CFR 351.216(d), Commerce determines that the information submitted by SA and Academy, along with substantially all of the domestic industry's support, shows changed circumstances sufficient to warrant a review of the *Orders*.

Section 782(h)(2) of the Act and 19 CFR 351.222(g)(1)(i) provide that Commerce may revoke an order (in whole or in part) if it determines that producers accounting for substantially all of the production of the domestic like product have expressed a lack of interest in the order, in whole or in part. In its administrative practice, Commerce has interpreted "substantially all" to mean producers accounting for at least 85 percent of the total U.S. production of the domestic like product covered by the order.<sup>13</sup>

Furthermore, section 751(b)(4)(B) of the Act states that, "in the absence of good cause shown," the Secretary of Commerce may not review a final determination less than 24 months after the date of publication of the notice of final determination or notice of suspension of an investigation. The final determinations in the less-than-fair-value investigation and CVD investigation of metal lockers from China published on July 7, 2021.<sup>14</sup> Therefore, because we are initiating this review more than 24 months after July 7, 2021, it is not necessary to establish good cause for conducting this review.

### Preliminary Results of CCRs and Intent To Revoke the Orders, in Part

Section 351.221(c)(3)(ii) of Commerce's regulations permits Commerce to combine the notice of initiation of a CCR and the notice of preliminary results if Commerce concludes that expedited action is warranted.<sup>15</sup> In this instance, because

<sup>13</sup> See, e.g., *Certain Cased Pencils from the People's Republic of China: Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review, and Intent to Revoke Order in Part*, 77 FR 42276 (July 18, 2012), unchanged in *Certain Cased Pencils from the People's Republic of China: Final Results of Antidumping Duty Changed Circumstances Review, and Determination to Revoke Order, in Part*, 77 FR 53176 (August 31, 2012).

<sup>14</sup> See *Certain Metal Lockers and Parts Thereof from the People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value*, 86 FR 35737 (July 7, 2021); see also *Certain Metal Lockers and Parts Thereof from the People's Republic of China: Final Affirmative Countervailing Duty Determination*, 86 FR 35741 (July 7, 2021).

<sup>15</sup> See 19 CFR 351.221(c)(3)(ii); see also *Certain Pasta from Italy: Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review*, 80 FR 33480, 33480–41 (June 12, 2015) (*Pasta from Italy Preliminary Results*), unchanged in *Certain Pasta from Italy: Final Results of*

the record contains information necessary to make a preliminary finding, we find that expedited action is warranted and have combined the notice of initiation and the notice of preliminary results.<sup>16</sup>

Pursuant to section 751(d)(1) of the Act, and 19 CFR 351.222(g), Commerce may revoke an AD or CVD order, in whole or in part, based on a review under section 751(b) of the Act (*i.e.*, a CCR). Section 751(b)(1) of the Act requires a CCR to be conducted upon receipt of a request which shows changed circumstances sufficient to warrant a review. Section 782(h)(2) of the Act gives Commerce the authority to revoke an order if producers accounting for substantially all of the production of the domestic like product have expressed a lack of interest in the order. Section 351.222(g) of Commerce's regulations provides that Commerce will conduct a CCR of an AD or CVD order under 19 CFR 351.216, and may revoke an order (in whole or in part), if it concludes that: (i) producers accounting for substantially all of the production of the domestic like product to which the order pertains have expressed a lack of interest in the relief provided by the order, in whole or in part; or (ii) if other changed circumstances sufficient to warrant revocation exist. Thus, both the Act and Commerce's regulations require that "substantially all" domestic producers express a lack of interest in the order for Commerce to revoke the order, in whole or in part.<sup>17</sup> In its administrative practice, Commerce has interpreted "substantially all" to represent producers accounting for at least 85 percent of U.S. production of the domestic like product.<sup>18</sup>

As explained above, domestic locker producers accounting for greater than 85 percent of the domestic industry have expressed support for SA and Academy's CCR Request, which includes support from the original petitioners and other domestic locker

producers.<sup>19</sup> Substantially all of the domestic industry supports the request for the CCRs, or the addition of the specific exclusion language proposed by SA and Academy.<sup>20</sup> Furthermore, substantially all the domestic industry supported the application of the proposed exclusion language with retroactivity to December 1, 2021.<sup>21</sup>

In addition to attestations of support from substantially all the domestic industry,<sup>22</sup> List and Tennsco state their support, explaining "that the scope of the order may be changed to add the new proposed safe exclusion language offered by SA and Academy to the scope,"<sup>23</sup> further stating that they support "the new metal safe scope exclusion retroactive to December 1, 2021."<sup>24</sup> In addition, in the Petitioners' Comments, the petitioners explain that they support the proposed metal safe exclusion language in addition to the existing metal safe exclusion, and not instead of it.<sup>25</sup> The petitioners request that SA and Academy's proposed exclusion language be inserted to the existing scope after the current metal safe exclusion, and before the existing gun safe exclusion language.<sup>26</sup>

In light of the domestic producers' statements of support of modifying the *Orders*, in part, with respect to the addition of exclusion language for certain metal safes as described by SA and Academy, and in the absence of any other interested party comments addressing the issue of domestic industry support, we preliminarily conclude that producers accounting for substantially all of the production of the domestic like product to which the *Orders* pertain lack interest in the relief provided by the *Orders* with respect to certain metal safes that are the subject of SA and Academy's new proposed safe exclusion language. Thus, we preliminarily determine that changed circumstances warrant revocation of the *Orders*, in part, with respect to such metal safes as described in SA and Academy's new proposed exclusion language, with retroactivity of the revocation back to December 1, 2021. Accordingly, we are notifying the public of our intent to revoke the *Orders*, in

part, with respect to certain metal safes described in the "Proposed Revocation of the *Orders*, in Part" section above, with retroactivity of the revocation applying back to December 1, 2021.

### Public Comment

In accordance with 19 CFR 351.309(c)(1)(ii), interested parties may submit case briefs not later than 14 days after the date of publication of this notice.<sup>27</sup> Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the due date for case briefs.<sup>28</sup>

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes. In this CCR, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.<sup>29</sup> Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this CCR. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).<sup>30</sup> An electronically filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time on the day on which it is due.

Pursuant to 19 CFR 351.310(c), any interested party may request a hearing within 14 days of publication of this notice in the **Federal Register**.<sup>31</sup> Hearing requests should contain the following information: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral

*Changed Circumstances Review*, 80 FR 48807 (August 14, 2015) (*Pasta from Italy Final Results*).

<sup>16</sup> See, e.g., *Pasta from Italy Preliminary Results*, 80 FR at 33480–41, unchanged in *Pasta from Italy Final Results*, 80 FR at 48807.

<sup>17</sup> See section 782(h) of the Act; and 19 CFR 351.222(g).

<sup>18</sup> See, e.g., *Honey from Argentina: Antidumping and Countervailing Duty Changed Circumstances Reviews; Preliminary Intent to Revoke Antidumping and Countervailing Duty Orders*, 77 FR 67790, 67791 (November 14, 2012), unchanged in *Honey from Argentina: Final Results of Antidumping and Countervailing Duty Changed Circumstances Reviews; Revocation of Antidumping and Countervailing Duty Orders*, 77 FR 77029 (December 31, 2012).

<sup>19</sup> See Petitioners' Comments at 2–3 (citing Attachment 1); see also Petitioners' First Supplemental Response at 3 and Attachment 1.

<sup>20</sup> See Petitioners' Comments at 2 and Exhibit 1.

<sup>21</sup> See *Id.* at Attachment 1; see also Petitioners' First Supplemental Response at 3 and Attachment 1.

<sup>22</sup> See Petitioners' Comments at Attachment 1; see also Petitioners' First Supplemental Response.

<sup>23</sup> See Petitioners' Comments at 2.

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

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

<sup>27</sup> Commerce is exercising its discretion under 19 CFR 351.309(c)(1)(ii) to alter the time limit for the filing of case briefs.

<sup>28</sup> See 19 CFR 351.309(d); see also *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings*, 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Final Rule*).

<sup>29</sup> We use the term "issue" here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

<sup>30</sup> See *APO and Service Final Rule*.

<sup>31</sup> Commerce is exercising its discretion under 19 CFR 351.310(c) to alter the time limit for requesting a hearing.

presentations at the hearing will be limited to issues raised in the briefs.<sup>32</sup> If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm the date and the time of the hearing two days before the scheduled date.

### Final Results of Review

Unless extended, consistent with 19 CFR 351.216(e), Commerce intends to issue the final results of this CCR no later than 270 days after the date on which this review was initiated or 45 days if all parties agree to the outcome of the review.

### Notification to Interested Parties

This initiation notice and preliminary results are published in accordance with section 751(b)(1) of the Act, 19 CFR 351.221(b)(1) and 19 CFR 351.221(c)(3)(ii).

Dated: February 20, 2024.

**Ryan Majerus,**

*Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

### Appendix

#### Proposed Scope of the Orders

The scope of the *Orders* covers certain metal lockers, with or without doors, and parts thereof (metal lockers). The subject metal lockers are secure metal storage devices less than 27 inches wide and less than 27 inches deep, whether floor standing, installed onto a base or wall-mounted. In a multiple locker assembly (whether a welded locker unit, otherwise assembled locker unit or knocked down unit or kit), the width measurement shall be based on the width of an individual locker not the overall unit dimensions. All measurements in this scope are based on actual measurements taken on the outside dimensions of the single-locker unit. The height is the vertical measurement from the bottom to the top of the unit. The width is the horizontal (side to side) measurement of the front of the unit, and the front of the unit is the face with the door or doors or the opening for internal access of the unit if configured without a door. The depth is the measurement from the front to the back of the unit. The subject certain metal lockers typically include the bodies (back, side, shelf, top and bottom panels), door frames with or without doors which can be integrated into the sides or made separately, and doors.

The subject metal lockers typically are made of flat-rolled metal, metal mesh and/or expanded metal, which includes but is not limited to alloy or non-alloy steel (whether or not galvanized or otherwise metallicity coated for corrosion resistance), stainless steel, or aluminum, but the doors may also include transparent polycarbonate, Plexiglas

or similar transparent material or any combination thereof. Metal mesh refers to both wire mesh and expanded metal mesh. Wire mesh is a wire product in which the horizontal and transverse wires are welded at the cross-section in a grid pattern. Expanded metal mesh is made by slitting and stretching metal sheets to make a screen of diamond or other shaped openings.

Where the product has doors, the doors are typically configured with or for a handle or other device or other means that permit the use of a mechanical or electronic lock or locking mechanism, including, but not limited to: A combination lock, a padlock, a key lock (including cylinder locks) lever or knob lock, electronic key pad, or other electronic or wireless lock. The handle and locking mechanism, if included, need not be integrated into one another. The subject locker may or may not also enter with the lock or locking device included or installed. The doors or body panels may also include vents (including wire mesh or expanded metal mesh vents) or perforations. The bodies, body components and doors are typically powder coated, otherwise painted or epoxy coated or may be unpainted. The subject merchandise includes metal lockers imported either as welded or otherwise assembled units (ready for installation or use) or as knocked down units or kits (requiring assembly prior to installation or use).

The subject lockers may be shipped as individual or multiple locker units preassembled, welded, or combined into banks or tiers for ease of installation or as sets of component parts, bulk packed (*i.e.*, all backs in one package, crate, rack, carton or container and sides in another package, crate, rack, carton or container) or any combination thereof. The knocked down lockers are shipped unassembled requiring a supplier, contractor or end-user to assemble the individual lockers and locker banks prior to installation.

The scope also includes all parts and components of lockers made from flat-rolled metal or expanded metal (*e.g.*, doors, frames, shelves, tops, bottoms, backs, side panels, *etc.*) as well as accessories that are attached to the lockers when installed (including, but not limited to, slope tops, bases, expansion filler panels, dividers, recess trim, decorative end panels, and end caps) that may be imported together with lockers or other locker components or on their own. The particular accessories listed for illustrative purposes are defined as follows:

a. *Slope tops*: Slope tops are slanted metal panels or units that fit on the tops of the lockers and that slope from back to front to prevent the accumulation of dust and debris on top of the locker and to discourage the use of the tops of lockers as storage areas. Slope tops come in various configurations including, but not limited to, unit slope tops (in place of flat tops), slope hoods made of a back, top and end pieces which fit over multiple units and convert flat tops to a sloping tops, and slope top kits that convert flat tops to sloping tops and include tops, backs and ends.

b. *Bases*: Locker bases are panels made from flat-rolled metal that either conceal the legs of the locker unit, or for lockers without

legs, provide a toe space in the front of the locker and conceal the flanges for floor anchoring.

c. *Expansion filler panel*: Expansion filler panels or fillers are metal panels that attach to locker units to cover columns, pipes or other obstacles in a row of lockers or fill in gaps between the locker and the wall. Fillers may also include metal panels that are used on the sides or the top of the lockers to fill gaps.

d. *Dividers*: Dividers are metal panels that divide the space within a locker unit into different storage areas.

e. *Recess trim*: Recess trim is a narrow metal trim that bridges the gap between lockers and walls or soffits when lockers are recessed into a wall.

f. *Decorative end panels*: End panels fit onto the exposed ends of locker units to cover holes, bolts, nuts, screws and other fasteners. They typically are painted to match the lockers.

g. *End caps*: End caps fit onto the exposed ends of locker units to cover holes, bolts, nuts, screws and other fasteners.

The scope also includes all hardware for assembly and installation of the lockers and locker banks that are imported with or shipped, invoiced, or sold with the imported locker or locker system except the lock.

Excluded from the scope are wire mesh lockers. Wire mesh lockers are those with each of the following characteristics:

- (1) At least three sides, including the door, made from wire mesh;
- (2) the width and depth each exceed 25 inches; and
- (3) the height exceeds 90 inches.

Also excluded are lockers with bodies made entirely of plastic, wood, or any nonmetallic material.

Also excluded are exchange lockers with multiple individual locking doors mounted on one master locking door to access multiple units. Excluded exchange lockers have multiple individual storage spaces, typically arranged in tiers, with access doors for each of the multiple individual storage space mounted on a single frame that can be swung open to allow access to all of the individual storage spaces at once. For example, uniform or garment exchange lockers are designed for the distinct function of securely and hygienically exchanging clean and soiled uniforms. Thus, excluded exchange lockers are a multi-access point locker whereas covered lockers are a single access point locker for personal storage. The excluded exchange lockers include assembled exchange lockers and those that enter in 'knock down' form in which all of the parts and components to assemble a completed exchange locker unit are packaged together. Parts for exchange lockers that are imported separately from the exchange lockers in 'knock down' form are not excluded.

Also excluded are metal lockers that are imported with an installed electronic, internet-enabled locking device that permits communication or connection between the locker's locking device and other internet connected devices.

Also excluded are locks and hardware and accessories for assembly and installation of

<sup>32</sup> See 19 CFR 351.310(c)

the lockers, locker banks and storage systems that are separately imported in bulk and are not incorporated into a locker, locker system or knocked down kit at the time of importation. Such excluded hardware and accessories include but are not limited to locks and bulk imported rivets, nuts, bolts, hinges, door handles, door/frame latching components, and coat hooks. Accessories of sheet metal, including but not limited to end panels, bases, dividers and sloping tops, are not excluded accessories.

Mobile tool chest attachments that meet the physical description above are covered by the scope of the *Orders*, unless such attachments are covered by the scope of the *Orders* on certain tool chests and cabinets from China. If the *Orders* on certain tool chests and cabinets from China are revoked, the mobile tool chest attachments from China will be covered by the scope of the *Orders*.

The scope also excludes metal safes with each of the following characteristics: (1) Pry resistant, concealed hinges; (2) body walls and doors of steel that are at least 17 gauge (0.05625 inch or 1.42874 mm thick); and (3) an integrated locking mechanism that includes at least two round steel bolts 0.75 inch (19 mm) or larger in diameter; or three bolts 0.70 inch (17.78 mm) or more in diameter; or four or more bolts at least 0.60 inch (15.24 mm) or more in diameter, that project from the door into the body or frame of the safe when in the locked position.

The scope also excludes metal safes with each of the following characteristics:

(1) Pry resistant hinges, whether concealed or external. External hinges must be accompanied by solid steel inactive bolts (minimum 0.75 inch (19 mm) diameter) or plates (minimum 0.177 inch (4.5 mm) thickness), welded or bolted to the door and protrude into the safe and into or behind the door frame by at least 0.39 inches (10 mm) to prevent the physical removal or opening of the door;

(2) body walls and doors made of steel that is at least 17 gauge (0.05625 inch or 1.42874 mm thick);

(3) an integrated locking mechanism that includes one of the following: (a) at least two round steel active bolts 0.75 inch (19 mm) or larger in diameter; (b) three or more steel active bolts 0.70 inch (17.78 mm) or more in diameter; (c) four or more steel active bolts at least 0.60 inch (15.24 mm) or more in diameter; or (d) four or more flat steel locking plates (at least two active and two inactive) of a minimum of 0.177 inch (4.5 mm) in thickness and minimum height of 1.57 inches (40 mm), that extend out from the door by at least 0.78 inches (20 mm). The bolts or plates must project from the door, into the safe, and into or behind the door frame by at least 0.39 inches (10 mm) to prevent the physical removal or opening of the door; and

(4) made of a welded body construction and enter the United States fully assembled.

The scope also excludes gun safes meeting each of the following requirements:

(1) Shall be able to fully contain firearms and provide for their secure storage.

(2) Shall have a locking system consisting of at minimum a mechanical or electronic combination lock. The mechanical or electronic combination lock utilized by the

safe shall have at least 10,000 possible combinations consisting of a minimum three numbers, letters, or symbols. The lock shall be protected by a casehardened (Rc 60+) drill-resistant steel plate, or drill-resistant material of equivalent strength.

(3) Boltwork shall consist of a minimum of three steel locking bolts of at least 1/2-inch thickness that intrude from the door of the safe into the body of the safe or from the body of the safe into the door of the safe, which are operated by a separate handle and secured by the lock.

(4) The exterior walls shall be constructed of a minimum 12-gauge thick steel for a single-walled safe, or the sum of the steel walls shall add up to at least 0.100 inches for safes with walls made from two pieces of flat-rolled steel.

(5) Doors shall be constructed of a minimum one layer of 7-gauge steel plate reinforced construction or at least two layers of a minimum 12-gauge steel compound construction.

(6) Door hinges shall be protected to prevent the removal of the door. Protective features include, but are not limited to: Hinges not exposed to the outside, interlocking door designs, dead bars, jeweler's lugs and active or inactive locking bolts.

The scope also excludes gun safes meeting each of the following requirements:

(1) Shall be able to fully contain firearms and provide for their secure storage.

(2) Shall have a locking system consisting of at minimum a mechanical or electronic combination lock with a lock body that is integrated into the door of the safe. The mechanical or electronic combination lock utilized by the safe shall have at least 10,000 possible combinations consisting of a minimum three numbers, letters, or symbols.

(3) Bolt work shall consist of a minimum of three steel locking bolts of at least 1/2-inch diameter that intrude from the door of the safe into the body of the safe or from the body of the safe into the door of the safe, which are operated by a separate handle and secured by the lock.

(4) The exterior walls (inclusive of the floor and top) shall be constructed of a minimum 14-gauge thick steel and shall be lined with one or more layers of fire-retardant gypsum board bonded, affixed with brackets or otherwise securely attached to the exterior walls. The fire retardant gypsum board shall be at least 15 mm in thickness for a single layer or shall sum to at least 19 mm in thickness where multiple layers are combined together.

(5) Doors shall be constructed of a minimum of one layer of 14-gauge steel lined with a minimum of one layer of 15 mm thick, fire-retardant gypsum board bonded, affixed with brackets or otherwise securely attached to the door. The doors shall fit into jambs equipped with a fire seal fitted completely around the door frame consisting of a hydrated sodium silicate encapsulated in a plastic film or sleeve that, when heat-activated by temperatures of over 210 degrees, expands to cover the space between the jambs and door, providing a barrier to prevent the intrusion of flames, gas, or smoke into the safe.

(6) Door hinges shall be protected to prevent the removal of the door. Protective features include but are not limited to: hinges not exposed to the outside, interlocking door designs, dead bars, jeweler's lugs and active or inactive locking bolts.

(7) The excluded safe must be imported in the fully assembled condition.

The scope also excludes metal storage devices that (1) have two or more exterior exposed drawers regardless of the height of the unit, or (2) are no more than 30 inches tall and have at least one exterior exposed drawer.

Also excluded from the scope are free standing metal cabinets less than 30 inches tall with a single opening, single door and an installed tabletop.

The scope also excludes metal storage devices less than 27 inches wide and deep that: (1) Have two doors hinged on the right and left side of the door frame respectively covering a single opening and that open from the middle toward the outer frame; or (2) are free standing or wall-mounted, single-opening units 20 inches or less high with a single door.

The subject certain metal lockers are classified under Harmonized Tariff Schedule of the United States (HTSUS) subheading 9403.20.0078. Parts of subject certain metal lockers are classified under HTS subheading 9403.90.8041. In addition, subject certain metal lockers may also enter under HTS subheading 9403.20.0050. While HTSUS subheadings are provided for convenience and Customs purposes, the written description of the scope of the *Orders* is dispositive.

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BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XD746]

### Endangered and Threatened Species; Take of Anadromous Fish

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

**ACTION:** Notice of receipt of application for 11 permit renewals and 6 new permits.

**SUMMARY:** Notice is hereby given that NMFS has received 17 scientific research permit application requests relating to Pacific salmon, steelhead, green sturgeon, rockfish, and eulachon. The proposed activities in all permits are intended to increase knowledge of species listed under the Endangered Species Act (ESA) and to help guide management and conservation efforts. The applications may be viewed online at: [https://apps.nmfs.noaa.gov/preview/preview\\_open\\_for\\_comment.cfm](https://apps.nmfs.noaa.gov/preview/preview_open_for_comment.cfm).

**DATES:** Comments or requests for a public hearing on the applications must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific standard time on March 28, 2024.

**ADDRESSES:** Written comments on the applications should be sent to the Protected Resources Division, NMFS, 1201 NE Lloyd Blvd., Suite 1100, Portland, OR 97232–1274. Comments may also be sent via fax to 503–230–5441 or by email to [nmfs.wcr-apps@noaa.gov](mailto:nmfs.wcr-apps@noaa.gov) (include the permit number in the subject line of the letter, fax, or email).

**FOR FURTHER INFORMATION CONTACT:** Rob Clapp, Portland, OR (phone: (541) 231–2314, email: [Robert.Clapp@noaa.gov](mailto:Robert.Clapp@noaa.gov)). Permit application instructions are available from the address above, or online at <https://apps.nmfs.noaa.gov>.

#### SUPPLEMENTARY INFORMATION:

##### Species Covered in This Notice

The following listed species are covered in this notice:

Chinook salmon (*Oncorhynchus tshawytscha*): Threatened Lower Columbia River (LCR); threatened Puget Sound (PS); threatened Snake River (SnkR) spring/summer-run (spr/sum); threatened SnkR fall-run; endangered Upper Columbia River (UCR) spring-run; threatened Upper Willamette River (UWR), threatened Central Valley spring-run (CVS); endangered Sacramento River (SacR) winter-run; threatened California Coastal (CC).

Steelhead (*O. mykiss*): Threatened PS; Threatened LCR; threatened Middle Columbia River (MCR); threatened SnkR; threatened UCR; threatened UWR; threatened Northern California (NC); threatened California Central Valley (CCV).

Chum salmon (*O. keta*): Threatened Hood Canal Summer-run (HCS); threatened Columbia River (CR).

Coho salmon (*O. kisutch*): Threatened LCR; threatened Oregon Coast (OC); threatened Southern Oregon/Northern California Coast (SONCC).

Sockeye salmon (*O. nerka*): Endangered SnkR.

Eulachon (*Thaleichthys pacificus*): Threatened southern Distinct Population Segment (SDPS).

Green sturgeon (*Acipenser medirostris*): Threatened SDPS.

Rockfish (*Sebastes* spp.): Endangered Puget Sound/Georgia Basin (PS/GB) bocaccio (*Sebastes paucispinis*); threatened PS/GB yelloweye rockfish (*S. ruberrimus*).

##### Authority

Scientific research permits and permits to enhance propagation or

survival are issued in accordance with section 10(a)(1)(A) of the ESA (16 U.S.C. 1531 *et seq.*) and regulations governing listed fish and wildlife permits (50 CFR 222–226). NMFS issues permits based on findings that such permits: (1) are applied for in good faith; (2) if granted and exercised, would not operate to the disadvantage of the listed species that are the subject of the permit; and (3) are consistent with the purposes and policy of section 2 of the ESA. The authority to take listed species is subject to conditions set forth in the permits.

Anyone requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). Such hearings are held at the discretion of the Assistant Administrator for Fisheries, NMFS.

##### Applications Received

###### Permit 1127–7R

The Shoshone-Bannock Tribes are seeking to renew a permit that for nearly three decades has allowed them to annually take listed SR steelhead and spr/sum Chinook salmon while conducting research designed to (1) monitor adult and juvenile fish in key upper SnkR subbasin watersheds; (2) assess the utility of hatchery Chinook salmon in increasing natural populations in the Salmon River; and (3) evaluate the genetic and ecological impacts hatchery Chinook salmon may have on natural populations. The fish would primarily benefit from the research in two ways. First, the research would broadly be used to help guide restoration and recovery efforts throughout the SnkR basin. Second, the research would be used to determine how hatchery supplementation can be used as a tool for salmon recovery. The research would also help the Tribes re-establish traditional fishing opportunities and connect with and protect cultural, ecological, and social values and rights.

The researchers would use screw traps, weirs, electrofishing, and hook-and-line angling gear to capture the listed fish. Once captured, the fish would undergo various sampling, tagging, and handling regimes; they would then be allowed to recover and released. Some tissue samples would be taken from adult fish carcasses, and the researchers would conduct some snorkeling surveys and redd counts. In all cases, trained crews would conduct the operations, no adult salmonids would be electrofished, and all activities would take place in the Salmon River subbasin. The researchers are not

proposing to kill any of the fish they capture, but some may die as an unintended result of the research.

###### Permit 1410–14R

The Northwest Fisheries Science Center (NWFSC) is seeking to renew a research permit that currently allows them to take juvenile and adult CC, CVS, LCR, PS, SacR, SnkR fall-run, SnkR spr/sum, UCR, and UWR Chinook salmon; CR chum salmon; LCR, OC, and SONCC coho salmon; SnkR sockeye salmon; and LCR, MCR, SnkR, UCR, and UWR steelhead while conducting a study of the Columbia River plume and the surrounding ocean environment off the coasts of Oregon and Washington. The NWFSC research may also cause them to take SDPS eulachon, a species for which there are currently no ESA take prohibitions. This renewal would also allow the researchers to lethally sample a subset of adult salmon to allow for tissue and otolith collection. The purposes of the research are to (1) determine the abundance, distribution, growth, and condition of juvenile Columbia River salmonids in the river's plume and characterize its physical and biological features as they relate to salmonid survival; (2) determine the impact that predators and food supply have on survival among juvenile Columbia River Chinook and coho salmon as they migrate through the Columbia River estuary and plume; and (3) synthesize the early ocean ecology of juvenile Columbia River salmonids, test mechanisms that control salmonid growth and survival, and produce ecological indices that forecast salmonid survival.

The research would benefit the affected species by (1) providing data to improve understanding of how the ocean and Columbia River plume conditions affect juvenile salmonids; (2) helping predict how changing ocean conditions would affect salmonid growth and survival; and (3) helping improve salmon management actions in relation to river, plume, and ocean conditions. Information on adults would also help researchers better understand the relationship between older salmon individuals and predators such as Southern Resident Killer Whales (SRKWs). The NWFSC proposes to capture fish using a surface trawl, which can cause lethally crush and descale juvenile salmonids and eulachon. Juvenile salmonids would be identified to species, measured for length, and frozen for further analysis (*i.e.*, weight, growth, genetics, diet (stomach contents), parasites, pathogens, and physiological condition). All juvenile salmon are lethally sampled, and a

subset of adult salmon will be lethally sampled for tissue analyses including otoliths and stomach contents. The remaining adult salmonids that are not lethally sampled would be held in an aerated livewell, identified to species, measured for length, checked for tags and marks, and released. Eulachon would either be returned to the capture location or retained for further scientific research activities at the NWFSC.

#### Permit 1484-8R

The Washington Department of Natural Resources (WDNR) is seeking to renew for 5 years a permit that currently authorizes them to take juvenile CR chum salmon, LCR Chinook salmon, LCR coho salmon, and LCR and MCR steelhead in WDNR-managed forests in Washington State. The purpose of the study is to survey stream reaches above natural barriers to determine if fish are present. This information is needed to determine appropriate widths of riparian buffers to leave intact during timber harvest. This study would benefit listed species by documenting the need for increased riparian buffers, which better protect aquatic and riparian habitat where fish are present. In addition, data on the distribution of fish gained from this study would be used to inform land management decisions and thereby better protect listed species.

The WDNR proposes to capture juvenile fish using single-pass backpack electrofishing. The researchers would turn off the electricity as soon as a fish is seen. Fish would be identified regardless of whether they are netted; if fish are netted they would be held in the water only long enough to identify them and then released at the site of capture. The WDNR does not intend to kill any of the fish being captured, but a small number may die as an unintended consequence of the proposed activities.

#### Permit 14046-5R

The King County Department of Natural Resources and Parks (KCDNRP) is seeking to renew for 5 years a research permit that currently allows them to take juvenile PS Chinook salmon and PS steelhead. Sampling sites would be in four Puget Sound (Washington) sub-basins—Snoqualmie, Lake Washington, Duwamish, and Puyallup—and intertidal nearshore areas in the Puget Sound (King County, Washington). The purposes of the study are to (1) evaluate the effectiveness of restoration actions through biological monitoring; (2) understand how juvenile salmonids use specific riverine habitats in order to prioritize restoration projects and guide project design; (3) assess

salmonid habitat status and trends in small streams with varying degrees of land use while monitoring current stream conditions; and (4) assess contaminant levels in various freshwater fish. The research would benefit the affected species by determining how restoration and recovery actions are contributing to listed species recovery, providing information on the extent of juvenile salmonid rearing in off-channel areas, guiding future restoration projects based upon monitoring results, providing information on habitat use by yearling fall-run Chinook salmon, and contributing to our knowledge of Chinook salmon life histories.

The KCDNRP proposes to capture fish using beach seines, fyke nets, gill nets, hook and line angling, minnow traps, and backpack and boat-operated electrofishing. Most of the captured fish would be anaesthetized, identified to species, allowed to recover, and released. A subset of the Chinook salmon would also be tagged (acoustic, passive integrated transponder (PIT), and elastomer), dyed (Bismark Brown), gastric lavaged, and have scales collected. The researchers do not intend to kill any listed fish, but some may die as an inadvertent result of the research.

#### Permit 15207-5R

The Amnis Opes Institute (AOI) is seeking to renew for 5 years a research permit that currently allows them to take juvenile and adult LCR, PS, SnkR fall-run, SnkR spr/sum, UCR, and UWR Chinook salmon; CR and HCS chum salmon; LCR, OC, and SONCC coho salmon; SnkR sockeye salmon; and LCR, MCR, PS, SnkR, UCR, and UWR steelhead throughout Idaho, Oregon, and Washington States. The purpose of the study is to develop baseline data of the physical and chemical habitat for rivers and streams throughout the United States. Research transects would be randomly determined and would take place on alternating sides of the sampled rivers and streams for a distance of 40 times the mean wetted channel width. The researchers would stop every five channel widths to process the fish. This research would benefit the affected species by characterizing the biological condition of rivers and thereby provide data that supports Clean Water Act implementation.

The AOI researchers propose to capture fish using raft-mounted and backpack electrofishing equipment; stunned fish would be placed in a livewell with a soft mesh dip-net. Fish would be identified to species, measured to length, searched for

abnormalities, and returned to the water when recovered. ESA-listed species would be processed and released first. If adult salmonids are observed, electrofishing activities would immediately cease and the researchers would move to another location before resuming electrofishing activities. The researchers do not intend to kill any listed fish, but some may die as an inadvertent result of the research.

#### 16344-3R

The Oregon State University is seeking to renew for 5 years a research permit that currently allows them to take juvenile listed hatchery SONCC coho in the Upper Klamath River. The purposes of this research are to (1) determine the effects of infection by the myxozoan parasite *Ceratomyxa shasta* on coho salmon; and (2) estimate disease effects for each study year on the wild coho population. The work would benefit fish by providing information on endemic *C. shasta* levels in the Klamath River and thereby help managers monitor and mitigate the parasite's effects on listed species.

Juvenile coho salmon from Iron Gate, Fall Creek and/or Trinity River hatcheries would be transported to selected locations on the Klamath River and monitored for disease after the exposure to *C. shasta*. Following exposure, all fish would be transported to the Oregon State University J. L. Fryer Aquatic Animal Health Laboratory where time to morbidity, overall morbidity and infection prevalence would be ascertained through microscopic and molecular analysis of intestinal tissues. Because all of the fish will be exposed to the parasite *C. shasta*, they cannot be released after the experiments. In addition, infection prevalence data are needed which requires euthanizing all fish surviving the exposures, since surviving fish may still be infected with the parasite.

#### Permit 18260-3R

The Confederated Tribes of the Warm Springs Reservation (CTWS) is seeking to renew for 5 years a permit that currently authorizes them to take juvenile and adult LCR Chinook salmon, LCR coho salmon, and LCR and MCR steelhead. The purpose of the study is to describe abundance, habitat associations, spawning, distribution, migration patterns, harvest rates, and limiting factors for Pacific lamprey in Fifteen Mile Creek and Hood River and their tributaries (Oregon). The research would provide important basic ecological information about Pacific lamprey, which is not ESA-listed, but which is an important indicator species



for characterizing watershed health. Although researchers are targeting juvenile and adult Pacific lamprey (*Entosphenus tridentatus*) for capture, other species may be taken during sampling activities. The research would benefit listed species by improving understanding of watershed condition and helping managers prioritize habitat restoration projects in the Fifteen Mile Creek and Hood River basins. The work would also help the CTWS people reconnect with, increase, and manage a traditional food source.

The CTWS proposes to collect fish from March through October using backpack electrofishing and hand, dip, fyke, and hoop nets. During electrofishing surveys, the researchers would use “lamprey settings” (i.e., very low voltage). The researchers would set hoop (0.8 meter (m) diameter with 1.9 centimeter (cm) mesh) and fyke (2.5 m high by 2.75 m wide with 1.9 cm mesh size) nets facing downstream in low velocity areas. They will modify the fyke net to deter adult steelhead from entering the hoop net by tying twine across the first throat of the net to create an effective mesh size across the opening of 7.5 cm. This modification has effectively deterred steelhead from entering fyke nets set in previous fieldwork. The researchers propose to measure and PIT- or radio-tag adult lamprey before releasing them. The researchers would immediately release any salmonids that are captured or briefly hold them in buckets of water before releasing them if they require time to recover from being captured. If salmonids are observed during electrofishing, the researchers would immediately turn off the electricity and allow fish to swim away. The CTWS does not propose to kill any listed salmonids, but a small number may die as an unintended result of the research activities.

#### Permit 18331–3R

The Wild Fish Conservancy (WFC) is seeking to renew for 5 years a research permit that currently allows them to take juvenile PS Chinook salmon and PS steelhead in selected stream channels and floodplain areas throughout the Kitsap and Snoqualmie sub-basins of Washington State. The purpose of the study is to classify existing channels by water type and thereby validate and update county, city, and WDNR stream classifications and hydrological maps. This research would benefit the affected species by filling data gaps regarding fish passage impediments (tidegates, culverts, etc.) and providing fish species composition and distribution—information needed to identify,

prioritize, and implement restoration projects.

The WFC proposes to capture fish using backpack electrofishing. Fish would be identified to species, tissue sampled (caudal fin clip—steelhead only), and released. Once fish presence is established, either through visual observation or electrofishing, electrofishing would be discontinued. Surveyors would then proceed upstream until a change in habitat parameters is encountered and electrofishing would recommence. The researchers do not intend to kill any listed fish, but some may die as an inadvertent result of the research.

#### Permit 22003–2R

The KCDNRP is seeking to renew a 5-year research permit that currently allows them to annually take juvenile and adult PS Chinook salmon, PS steelhead, and PS/GB bocaccio and adult SDPS green sturgeon in the marine waters and shorelines of King County (Washington State). The KCDNRP research may also cause them to take juvenile and adult SDPS eulachon and PS/GB yelloweye rockfish—species for which there are currently no ESA take prohibitions. The purpose of the study is to capture English sole, brown rockfish (*Sebastes auriculatus*), copper rockfish (*Sebastes caurinus*), quillback rockfish (*Sebastes maliger*), and various forage fish to monitor tissue levels of toxic chemical contaminants. This research would benefit the affected species by (1) providing information on the types and concentrations of chemicals in fish; (2) helping managers understand the impact chemical exposures have on marine fish health; (3) filling data gaps to help managers make informed management decisions; and (4) informing a long-term program to evaluate changes in chemical body burdens in fish over time as environmental improvements are made (stormwater discharges reduced, contaminated sediments remediated, etc.).

The KCDNRP proposes to capture fish using bottom trawls, beach seines, cast nets, and hook and line (sabiki rigs). Captured ESA-listed fish would be identified to species and released. Listed rockfish would be released via rapid submergence to their capture depth to reduce adverse effects from barotrauma. Targeted species (and incidental mortalities) would be sacrificed, stored on ice, and analyzed for contaminants. The researchers do not intend to kill any listed fish, but some may die as an inadvertent result of the research.

#### Permit 22319–3R

Herrera Environmental Consultants (HEC) is seeking to renew a 5-year research permit that currently allows them to annually take juvenile PS Chinook salmon and PS steelhead while conducting a study in streams near Redmond, Washington. The purpose of the research is to conduct a paired watershed study monitoring stream health by collecting benthic macroinvertebrates in urban and nearby relatively pristine streams. Due to the collection methods, there is a possibility of capturing juvenile salmonids. The research would benefit listed fish by determining the effectiveness of stormwater management in urban streams which can lead directly to water quality and habitat improvement.

The HEC proposes to use a D-frame kick net to capture the fish. Any fish captured would be identified to species and released. The researchers do not intend to kill any of the fish being captured, but a small number may die as an unintended consequence of the proposed activities.

#### Permit 22865–2R

The United States Forest Service (USFS) is seeking to renew a permit that currently allows them to annually take juvenile UCR Chinook salmon, UCR steelhead, and MCR steelhead during research activities taking place at various points in the Yakima, Methow, Entiat, and Wenatchee River drainages in Washington State. The purpose of the research is to determine fish distribution in those subbasins. The research would benefit the fish by giving land managers information they need to design forest management activities (e.g., timber sales, grazing plans, road building) in a manner that would help them have the smallest possible effect on listed species.

Under the renewed permit, the USFS would use using minnow traps, hook-and-line angling, and electrofishing equipment to capture the fish. The fish would then be identified and immediately released whenever possible. The USFS does not intend to kill any of the listed fish being captured, but a small number may die as an unintended result of the research activities.

#### Permit 26300

The Fishery Foundation of California is seeking a new permit that would authorize them to take juvenile CVS Chinook salmon, CCV steelhead, and juvenile SDPS green sturgeon. The purpose of this study is to document the presence of native fish species in



Snodgrass Slough, the Cosumnes River and Laguna Creek in Sacramento County, CA prior to a large floodplain restoration project. The study would benefit affected species by providing data on species presence, seasonal water conditions and migratory windows that will inform the restoration project.

Juveniles would be collected via beach seine and fyke net. Juvenile fish would be captured, handled, and released. The researchers are not proposing to kill any of the listed fish being captured, but a small number of fish may be killed as an inadvertent result of these activities.

#### *Permit 27337*

The Lower Elwha Klallam Tribe (LEKT) is seeking a 5-year permit that would allow them to take juvenile HCS chum and PS Chinook and PS steelhead during the course of research designed to determine fish and shellfish presence and use in a 28-acre estuarine lagoon at the base of Ediz Hook in Port Angeles, WA. The study would benefit affected species by providing data on species presence, and that information, along with detailed habitat and water quality data, would be used to inform future restoration actions in the area. Those restoration actions, in turn, would help the LEKT people once again conduct traditional fishing and shellfishing activities in the lagoon.

The fish would be captured primarily by beach seining, but some may be captured in fukui and minnow traps. Once captured, the fish would simply be handled and released. The researchers are not proposing to kill any of the listed fish being captured, but a small number of fish may be killed as an inadvertent result of the proposed activities.

#### *Permit 27619*

The Scott River Water Trust is seeking a new permit that would authorize them to take juvenile and adult SONCC coho salmon in the Scott River, CA. The purpose of this study is to assess fish passage at Youngs Dam to determine how and when juvenile and adult salmon utilize the fish ladder at Youngs Dam. The project seeks to determine an ideal flow target through the fish ladder in an effort to improve fish passage at the dam as well as the fish ladder. The study would benefit SONCC coho by providing data to identify and inform recommendations to improve volitional fish passage through Youngs Dam.

Juveniles would be collected via beach seines and observed during snorkel surveys. Juvenile coho would be captured, handled, and released. A subsample of captured juveniles would

be anesthetized, tissue sampled and PIT-tagged prior to release. Adult coho would be observed at weirs, fish ladders, dam and during snorkel surveys. The researchers are not proposing to kill any of the listed fish being captured, but a small number of fish may be killed as an inadvertent result of these activities.

#### *Permit 27869*

The U.S. Fish and Wildlife Service (USFWS) is seeking a 5-year permit that would allow them to take juvenile HCS chum and PS Chinook and PS steelhead during the course of research designed to determine what effect the hatchery barriers have on the distribution of migratory sculpin (with considerations for how these barriers may also be affecting the distributions of strictly fluvial sculpin species). The research would benefit listed species by producing data on how hatchery weirs affect salmonid migrations in the areas being studied. That data could then be used to modify weir operations for the benefit of the migrating fish.

The fish would be largely be collected by electrofishing, but seining or dipnetting may also be employed. All listed fish would be immediately released without further handling. Sampling would cease and the activity would be moved if adult Chinook, chum, or steelhead (or their redds) are encountered at any time during a survey. The researchers are not proposing to kill any of the listed fish being captured, but a small number of fish may be killed as an inadvertent result of these activities.

#### *Permit 27874*

The California Department of Fish and Wildlife (CDFW) is seeking a new permit that would authorize them to take juvenile and adult SDPS green sturgeon in the Sacramento and San Joaquin Rivers, CA. The purpose of this study is to develop an indices of white sturgeon abundance for use in species management. Though non-listed white sturgeon are the target species, green sturgeon might be encountered.

Juvenile and adult SDPS green sturgeon would be collected via long line and hook and line sampling and observed via camera and sonar. Juvenile and adult fish would be captured, handled, tagged, and released. The researchers are not proposing to kill any of the listed fish being captured, but a small number of fish may be killed as an inadvertent result of these activities.

#### *Permit 28047*

The USFWS is seeking a 5-year permit that would allow them to take juvenile

LCR, UWR, PS, and CC Chinook; CR and HCS chum; LCR, PS, UWR, and NC steelhead; and LCR, OC, and SONCC coho. The fish would be taken during efforts to determine the uppermost ranges of several species of fish in more than 20 subbasins in Western Oregon and Washington and Northern California. The research would produce a large amount of presence/absence data on listed fish and thus help managers plan and carry out land management actions across a broad portion of three states.

The researchers would use backpack electrofishing units to capture the fish. Once captured, all listed salmonids would simply be identified and immediately released. In all cases, the researchers would be operating near what is already considered to be the upper limit of trout distribution, so they are unlikely to encounter many listed fish in any case. Regardless, the researchers are not proposing to kill any of the listed fish being captured, but a small number of fish may be killed as an inadvertent result of these activities.

This notice is provided pursuant to section 10(c) of the ESA. NMFS will evaluate the applications, associated documents, and comments submitted to determine whether the applications meet the requirements of section 10(a) of the ESA and Federal regulations. The final permit decisions will not be made until after the end of the 30-day comment period. NMFS will publish notice of its final action in the **Federal Register**.

Dated: February 21, 2024.

**Angela Somma,**

*Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2024-03986 Filed 2-26-24; 8:45 am]

**BILLING CODE 3510-22-P**

## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

**[RTID 0648-XD740]**

#### **Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Empire Wind Project, Offshore of New York**

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

**ACTION:** Notice; issuance of Letter of Authorization.

**SUMMARY:** In accordance with the Marine Mammal Protection Act

(MMPA) as amended, and implementing regulations, notification is hereby given that a Letter of Authorization (LOA) has been issued to Empire Offshore Wind, LLC (Empire Wind) for the taking of marine mammals incidental to the construction of the Empire Wind Project (hereafter known as the “Project”).

**DATES:** The LOA is effective from February 22, 2024 through February 21, 2029.

**ADDRESSES:** The LOA and supporting documentation are available online at: <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act>. In case of problems accessing these documents, please call the contact listed below.

**FOR FURTHER INFORMATION CONTACT:** Jessica Taylor, Office of Protected Resources, NMFS, (301) 427–8401.

**SUPPLEMENTARY INFORMATION:**

**Background**

The MMPA prohibits the “take” of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made, regulations are promulgated (when applicable), and public notice and an opportunity for public comment are provided.

An authorization for incidental taking shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). If such findings are made, NMFS must prescribe the permissible methods of taking; “other means of effecting the least practicable adverse impact” on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stocks for taking for certain subsistence uses (referred to as “mitigation”); and requirements pertaining to the monitoring and reporting of such takings. The MMPA defines “take” to mean harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal (16 U.S.C. 1362(13); 50 CFR 216.103). Level A harassment is defined as any act of pursuit, torment, or annoyance which has the potential to

injure a marine mammal or marine mammal stock in the wild (16 U.S.C. 1362(18); 50 CFR 216.3). Level B harassment is defined as any act of pursuit, torment, or annoyance which has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (16 U.S.C. 1362(18); 50 CFR 216.3). Section 101(a)(5)(A) of the MMPA and the implementing regulations at 50 CFR part 216, subpart I authorize NMFS to propose and, if appropriate, promulgate regulations and issue an associated LOA(s). NMFS promulgated regulations on February 14, 2024 (89 FR 11342) for the taking of marine mammals incidental to the construction of the Empire Wind Project offshore of New York. The LOA authorizes Empire Wind and those persons it authorizes or funds to conduct activities on its behalf to take marine mammals incidental to specified activities during the construction of the Project and requires them to implement mitigation, monitoring, and reporting requirements.

On February 14, 2024, NMFS promulgated a final rule (89 FR 11342) responding to a request from Empire Wind for authorization to take small numbers of marine mammals (17 species comprising 18 stocks) by Level B harassment (all 17 stocks) and by Level A harassment (2 of the 17 stocks) incidental to construction activities occurring in Federal and State waters off of New York, specifically within and around the Bureau of Ocean Energy Management (BOEM) Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf (OCS) Lease Area OCS–A 0512 (Lease Area) and along 2 export cable routes to sea-to-shore transition points (collectively referred to as the “Project Area”), over the course of 5 years (February 22, 2024 through February 21, 2029). The activities covered under the final rule include the installation of 147 wind turbine generators (WTGs) on monopile foundations and 2 offshore substations (OSSs) on jacket foundations using pin piles by impact pile driving; nearshore cable landfall work comprising of the installation and subsequent removal of nearshore temporary cofferdams by vibratory pile driving or the installation and subsequent removal of casing pipes supported by goal posts by impact pile driving at the sea-to-shore transition points located on Long Island and Brooklyn, New York; removal of berthing piles and installation of marine

bulkheads inshore of Long Island, New York; high-resolution geophysical (HRG) marine site characterization surveys using active acoustic sources; fishery and ecological monitoring surveys; the placement of scour protection; the installation of the export cable route from OSSs to shore-based converter stations and inter-array cables between turbines by trenching, laying, and burial activities; vessel transit within the specified geographical region to transport crew, supplies, and materials; and WTG operation.

Marine mammals exposed to elevated noise levels during foundation pile driving, may be taken by Level A harassment (limited to fin whales and minke whale), and marine mammals exposed to elevated noise levels during impact and vibratory pile driving during cable landfall and marina construction activities and/or site characterization surveys may be taken by Level B harassment. No mortality or serious injury of any marine mammal is anticipated to occur or has been authorized.

**Authorization**

In accordance with the final rule (89 FR 11342, February 14, 2024, see 50 CFR 217.286), we have issued a LOA to Empire Wind authorizing the take, by harassment, of marine mammals incidental to specified construction activities within the specified geographical region. As previously stated, no mortality or serious injury of any marine mammal species is anticipated to occur or has been authorized. The incidental takes authorized herein are the same as those analyzed and authorized in the final rule (89 FR 11342, February 14, 2024). Takes of marine mammals will be minimized through the following planned mitigation and monitoring measures, as applicable for each specified activity: (1) implementation of spatio-temporal seasonal/time of day work restrictions; (2) use of multiple NMFS-approved Protected Species Observers (PSOs) to visually observe for marine mammals (with any detection within specifically designated zones triggering a delay or shutdown, as applicable); (3) use of NMFS-approved passive acoustic monitoring (PAM) operators to acoustically detect marine mammals, with a focus on detecting baleen whales (with any detection within designated zones triggering a delay or shutdown, as applicable); (4) implementation of clearance and shutdown zones; (5) use of soft-start prior to the start of foundation pile driving; (6) use of noise attenuation technology during foundation pile

driving; (7) use of situational awareness monitoring for marine mammal presence; (8) use of sound field verification monitoring; (9) use of ramp-up acoustic sources during HRG surveys; (10) implementation of vessel separation zones between marine mammals and project vessels; (11) use of PAM within the vessel transit corridor for Project vessels to travel over 10 knots (11.5 miles per hour); and (12) implementation of additional Vessel Strike Avoidance measures to reduce the risk of a vessel collision with a marine mammal. Additionally, NMFS may modify the LOA's mitigation, monitoring, or reporting measures, based on new information, when appropriate (see also 50 CFR 217.287(c)). Empire Wind is also required to submit reports, as specified in the final rule.

Based on the findings and information discussed in the preamble of the final rule, the take authorized in the LOA will have a negligible impact on marine mammal stocks, will not have an unmitigable adverse impact on the availability of the affected marine mammal stock for subsistence uses, and the mitigation measures provide a means of affecting the least practicable adverse impact on the affected stocks and their habitat.

Dated: February 21, 2024.

**Kimberly Damon-Randall,**

*Director, Office of Protected Resources,  
National Marine Fisheries Service.*

[FR Doc. 2024-03887 Filed 2-26-24; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XD742]

### Western Pacific Fishery Management Council; Public Meetings

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

**ACTION:** Notice of public meetings.

**SUMMARY:** The Western Pacific Fishery Management Council (Council) will hold its 151st Scientific and Statistical Committee (SSC), Executive and Budget Standing Committee (SC) and its 198th Council meeting to take actions on fishery management issues in the Western Pacific Region. The Council will also hold a joint meeting of the Advisory Panel (AP), the Fishing Industry Advisory Committee (FIAC),

and the Non-Commercial Fisheries Advisory Committee (NCFAC).

**DATES:** The meetings will be held between March 12 and March 20, 2024. For specific times and agendas, see **SUPPLEMENTARY INFORMATION**.

**ADDRESSES:** The 151st SSC meeting will be held as a hybrid meeting for SSC members and the public, with a remote participation option available via WebEx. In-person attendance will be hosted at the Council office, 1164 Bishop Street, Suite 1400, Honolulu, HI 96813.

The Executive and Budget SC meeting will be held as a hybrid meeting for members and the public, with a remote participation option available via WebEx. In-person attendance will be hosted at the Council office, 1164 Bishop Street, Suite 1400, Honolulu, HI 96813.

The Joint Meeting of the AP, FIAC, and NCFAC, and the 198th Council Meeting will be held as hybrid meetings for the advisory body members, Council members and the public, with a remote participation option available via WebEx. In-person attendance will be hosted at the Ala Moana Hotel, Hibiscus Ballroom, 410 Atkinson Drive, Honolulu, HI 96814.

Specific information on joining the meeting, connecting to the web conference and providing oral public comments will be posted on the Council website at [www.wpcouncil.org](http://www.wpcouncil.org). For assistance with the web conference connection, contact the Council office at (808) 522-8220.

**Council address:** Western Pacific Fishery Management Council, 1164 Bishop Street, Suite 1400, Honolulu, HI 96813.

#### FOR FURTHER INFORMATION CONTACT:

Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council; phone: (808) 522-8220.

**SUPPLEMENTARY INFORMATION:** The 151st SSC meeting will be held between 9 a.m. and 5 p.m. Hawaii Standard Time (HST) on March 12-13, and 9 a.m. and 1 p.m. on March 14, 2024. The Executive and Budget SC meeting will be held between 1 p.m. and 5 p.m. HST on March 15, 2024. The Joint Meeting of the AP, FIAC and NCFAC will be held between 4:30 p.m. and 6 p.m. HST on March 19, 2024. The 198th Council Meeting will be held between 10 a.m. and 5:30 p.m. HST on March 18, 2024, 8:30 a.m. and 4:30 p.m. HST on March 19, 2024 and 8:30 a.m. and 5 p.m. HST on March 20, 2024. Public Comment on Non-Agenda Items will be held between 5:15 p.m. and 5:30 p.m. HST on March 18, 2024. The Fishers Forum will be

held between 6 p.m. and 9 p.m. HST on March 18, 2024.

Agenda items noted as "Final Action" refer to actions that may result in Council transmittal of a proposed fishery management plan, proposed plan amendment, or proposed regulations to the U.S. Secretary of Commerce, under Sections 304 or 305 of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). In addition to the agenda items listed here, the Council and its advisory bodies will hear recommendations from Council advisors. An opportunity to submit public comment will be provided throughout the agendas. The order in which agenda items are addressed may change and will be announced in advance at the Council meeting. The meetings will run as late as necessary to complete scheduled business.

Background documents for the 198th Council meeting will be available at [www.wpcouncil.org](http://www.wpcouncil.org). Written public comments on final action items at the 198th Council meeting should be received at the Council office by 5 p.m. HST, Thursday, March 14, 2024, and should be sent to Kitty M. Simonds, Executive Director; Western Pacific Fishery Management Council, 1164 Bishop Street, Suite 1400, Honolulu, HI 96813, phone: (808) 522-8220 or fax: (808) 522-8226; or email: [info@wpcouncil.org](mailto:info@wpcouncil.org). Written public comments on all other agenda items may be submitted for the record by email throughout the duration of the meeting. Instructions for providing oral public comments during the meeting will be posted on the Council website. This meeting will be recorded (audio only) for the purposes of generating the minutes of the meeting.

#### Agenda for the 151th SSC Meeting

*Tuesday, March 12, 2024, 9 a.m. to 5 p.m. HST*

1. Introductions
2. Approval of Draft Agenda and Assignment of Rapporteurs
3. Status of the 150th SSC Meeting Recommendations
4. Pacific Islands Fisheries Science Center (PIFSC) Director Report
  - A. Main Hawaiian Islands (MHI) Deep 7 Bottomfish Fishery Benchmark Stock Assessment
    - A.1. Western Pacific Stock Assessment Review (WPSAR) Report
    - A.2. Stock Assessment
  - B. MHI Small Boat Fisheries Project Update
  - C. Guam Bottomfish Stock Assessment Update
    - C.1. WPSAR Report
    - C.2. Stock Assessment
  - D. Guam Bottomfish Data WPSAR Terms of Reference

- E. Public Comment
- F. SSC Discussion and Recommendations
- 6. Pelagic and International Fisheries
  - A. 2023 Longline Fishery Performance and Economic Snapshot Reports
    - A.1. Hawaii Longline Fishery Report
    - A.2. American Samoa Longline Fishery Report
  - B. Public Comment
  - C. SSC Discussion and Recommendations
- 7. Program Planning and Research (Part 1)
  - A. PIFSC Ongoing Research Updates
    - A.1. Hawaii Shallow-Set Longline Fishery Species Distribution Model
    - A.2. Status of Leatherback, Loggerhead, and Green Sea Turtle Research and Assessments
    - A.3. NOAA Office of Ocean Exploration and Research Beyond the Blue Pacific Campaign
  - B. Public Comment

*Wednesday, March 13, 2024, 9 a.m. to 5 p.m. HST*

- 8. Protected Species
  - A. Overview of the 2024 Hawaii Pelagic False Killer Whale Survey
  - B. SSC False Killer Whale Working Group Update
  - C. Public Comment
  - D. SSC Discussion and Recommendations
- 9. Program Planning and Research (Part 2)
  - A. Council 5-Year Program Plan Updates for 2025–2029
  - B. Review of SSC Plan 2024–2026
  - C. MSA 5-Year Research Priorities 2025–2028
    - C.1. Status of Developing the MSA 5-Year Research Priorities 2025–2028
    - C.2. SSC Work Session To Refine the MSA Research Priority
  - D. Assessing Conservation and Biodiversity Protections Through Spatial Management
    - D.1. Simulating Benefits, Costs and Trade-Offs of Spatial Management
    - D.2. New Framework Reveals Gaps in U.S. Ocean Biodiversity Protection
  - E. National Academies of Sciences, Engineering, and Medicine (NASEM) Committee on Assessing Equity in the Distribution of Fisheries Management Benefits
  - F. Public Comment
  - G. SSC Discussion and Recommendations

*Thursday, March 14, 2024, 9 a.m. to 1 p.m. HST*

- 10. Other Business
  - A. June SSC Meetings Dates
- 11. Summary of SSC Recommendations to the Council

#### **Agenda for the Executive and Budget SC Meeting**

*Friday, March 15, 2024, 1 p.m. to 5 p.m. HST*

- 1. Introductions and Approval of Agenda
- 2. Financial Reports
- 3. Administrative Reports
- 4. Council Family Changes
- 5. Meetings and Workshops
- 6. Agenda Items for May CCC Meeting
- 7. Other Business
- 8. Status of Pacific Remote Islands and Northwestern Hawaiian Islands Sanctuary

- 9. Public Comment
- 10. Discussion and Recommendations

#### **Agenda for the Joint Meeting of the AP, FIAC and NCFAC**

*Tuesday, March 19, 2024, 4:30 p.m. to 6 p.m. HST*

- 1. IRA Discussion
- 2. EEJ Priorities Discussion
- 3. Other Business
- 4. Public Comment
- 5. Discussion and Recommendations

#### **Agenda for the 198th Council Meeting**

*Monday, March 18, 2024, 10 a.m. to 5:30 p.m. HST*

- 1. Welcome and Introductions
- 2. Approval of the 198th Council Meeting (CM) Agenda
- 3. Approval of the 197th CM Meeting Minutes
- 4. Executive Director's Report
- 5. Agency Reports
  - A. National Marine Fisheries Service (NMFS)
    - A.1. Pacific Islands Regional Office
    - A.2. Pacific Islands Fisheries Science Center
  - B. NOAA Office of General Counsel Pacific Islands Section
  - C. Marine Fisheries Advisory Committee
  - D. Enforcement
    - D.1. U.S. Coast Guard
    - D.2. NOAA Office of Law Enforcement
    - D.3. NOAA Office of General Counsel Enforcement Section
  - E. U.S. State Department
  - F. U.S. Fish and Wildlife Service
  - G. Public Comment
  - H. Council Discussion and Action
- 6. Council Member Island Reports
  - A. American Samoa
  - B. Commonwealth of the Northern Mariana Islands (CNMI)
  - C. Guam
  - D. Hawaii
  - E. Public Comment
  - F. Council Discussion and Action
- 7. Program Reports
  - A. Advisory Panel Action Plans
    - A.1. American Samoa Advisory Panel
    - A.2. Guam Advisory Panel
    - A.3. CNMI Advisory Panel
    - A.4. Hawaii Advisory Panel
  - B. 2023 Fishermen Observations
  - C. Equity and Environmental Justice (EEJ)
    - C.1. National EEJ Policy and Plan
    - C.2. Regional Implementation EEJ Plan
    - C.3. NASEM Report on Assessing Equity in Distribution of Fisheries Management Benefits
  - C.4. Council EEJ and Council Coordination Committee (CCC) Plans
  - D. Program Planning and Multi-Year Priorities
    - D.1. MSA Research Priorities 2025–2028
    - D.2. Program Plan and Budget
    - D.3. SSC 3-Year Plan
  - E. Inflation Reduction Act (IRA) Proposal
  - F. Regional IRA Modernize Management Proposals
  - G. Public Comment
  - H. Council Discussion and Action

*Monday, March 18, 2024, 5:15 p.m. to 5:30 p.m. HST*

Public Comment on Non-Agenda Items

*Monday, March 18, 2024, 6 p.m. to 9 p.m. HST*

Fishers Forum—Fish ID 101: Know Your Catch

*Tuesday, March 19, 2024, 8:30 a.m. to 4:30 p.m. HST*

- 8. Report from NMFS Deputy Assistant Administrator for Regulatory Programs
- 9. Council/Advisory Body Breakout Session 1—IRA Priority Areas
  - A. Breakout Sessions (in-person only)
- 10. Council/Advisory Body Breakout Session 2—IRA Continued
  - A. Breakout Sessions (in-person only)
  - B. Report Out on IRA Breakout Groups
- 11. Council/Advisory Body Breakout Session 3—EEJ: Implement; Fund; Empower; Advocate
  - A. Breakout Sessions (in-person only)
  - B. Report out on EEJ Breakout Groups

*Wednesday, March 20, 2024, 8:30 a.m. to 5 p.m. HST*

- 12. Action Items
  - A. MHI Deep 7 Bottomfish
    - A.1. 2024 MHI Deep 7 WPSAR Report
    - A.2. 2024 MHI Deep 7 Stock Assessment
  - B. Guam Bottomfish
    - B.1. 2024 Guam WPSAR Report
    - B.2. 2024 Guam Bottomfish Update Stock Assessment
  - C. Terms of Reference for Guam Bottomfish Data WPSAR
  - D. Advisory Group Report and Recommendations
    - D.1. Scientific & Statistical Committee
  - E. Public Comment
  - F. Council Discussion and Action
- 13. Program Planning
  - A. Marine Resource Education Program
  - B. NMFS Data Confidentiality Proposed Rule
  - C. Status of Pacific Remote Islands and Northwestern Hawaiian Islands Sanctuary Proposals
  - D. Hawaii Small-Boat Fisheries Project Update
  - E. Breakout Group Reports
    - E.1. IRA Priorities and Projects
    - E.2. EEJ Planning
  - F. Advisory Group Report and Recommendations
    - F.1. Joint Advisory Panel, FIAC, NCFAC
    - F.2. Scientific & Statistical Committee
  - G. Council Discussion and Action
- 14. Pelagic and International
  - A. 2023 Longline Fishery Performance and Economic Snapshot Reports
    - A.1. Hawaii Longline Fishery Report
    - A.2. American Samoa Longline Fishery Report
  - B. Report on Multi-Year Specification Framework for Territorial Bigeye Catch and Allocation Limits
  - C. 12th Meeting of South Pacific Regional Fisheries Management Organisation
  - D. Upcoming Inter-American Tropical Tuna Commission Management Issues
  - E. Advisory Group Report and Recommendations

- E.1. Scientific & Statistical Committee
- F. Public Comment
- G. Council Discussion and Action
- 15. Administrative Matters
  - A. Financial Reports
  - B. Administrative Reports
  - C. Council Family Changes
  - D. Meetings and Workshops
  - E. 2025–2028 Program Plan
  - F. Executive and Budget Standing Committee Report
  - G. Public Comment
  - H. Council Discussion and Action
- 16. Other Business

Non-emergency issues not contained in this agenda may come before the Council for discussion and formal Council action during its 198th meeting. However, Council action on regulatory issues will be restricted to those issues specifically listed in this document and any regulatory issue arising after publication of this document that requires emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take action to address the emergency.

#### Special Accommodations

These meetings are accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522–8220 (voice) or (808) 522–8226 (fax), at least 5 days prior to the meeting date.

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

Dated: February 21, 2024.

**Key Israel Marquez,**

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

[FR Doc. 2024–03886 Filed 2–26–24; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Alaska Region Crab Permits

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize

the public's reporting burden. Public comments were previously requested via the **Federal Register** on September 20, 2023, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

*Agency:* National Oceanic and Atmospheric Administration (NOAA), Commerce.

*Title:* Alaska Region Crab Permits.

*OMB Control Number:* 0648–0514.

*Form Number(s):* None.

*Type of Request:* Regular submission (extension of a current information collection).

*Number of Respondents:* 468.

*Average Hours per Response:*

Application for Annual Crab IFQ Permit: 2.5 hours; Application for Annual Crab IPQ Permit: 2 hours; Application for Annual Crab Harvesting Cooperative IFQ Permit: 23 hours; Application for Registered Crab Receiver (RCR) Permit: 30 minutes; Application for BSAI Crab Hired Master (skipper) Permit: 1 hour; Application for Federal Crab Vessel Permit (FCVP): 20 minutes; Application for Transfer of Crab QS: 2 hours; Application for Transfer of Crab PQS: 2.5 hours; Application for Transfer (lease) of Crab IFQ: 2.5 hours; Application for Transfer of IFQ between Crab Harvesting Cooperatives: 2 hours; Application for Transfer (Lease) of Crab IPQ: 2.5 hours; Application for Converted CPO QS and CPO IFQ: 30 minutes; Application for CR Program Eligibility to Receive QS/PQS or IFQ/IPQ by Transfer: 2 hours; Application for Annual Exemption from Western Aleutian Islands Golden King Crab West Region Delivery Requirements: 2 hours; Application for Exemption from CR Crab North or South Region Delivery Requirements: 20 hours; North or South Region Delivery Exemption Report: 20 hours; Voluntary Community Impact Report or IPQ Holder Report (N or S Response Report): 2 hours; CDQ Group Notification of Community Representative: 5 hours; Application to Become an ECCO: 2.5 hours; Application for Transfer of Crab QS/IFQ to or from an ECCO: 2 hours; ECCO Annual Report: 4 hours; BSAI Crab Rationalization Program QS Beneficiary Designation Form: 30 minutes; File an Appeal to NMFS Decisions: 4 hours.

*Total Annual Burden Hours:* 1,450 hours.

*Needs and Uses:* The National Marine Fisheries Service (NMFS), Alaska Regional Office, is requesting extension of a currently approved information collection for the Crab Rationalization Program (CR Program).

This information collection is necessary for NMFS to manage the CR

Program. The CR Program was implemented on April 1, 2005 (70 FR 10174, March 2, 2005). The CR Program is a limited access privilege program that allocates the harvest of crab fisheries managed under the Fishery Management Plan for Bering Sea and Aleutian Islands King and Tanner Crabs (FMP) among harvesters, processors, and coastal communities. Regulations implementing the FMP and the CR Program are at 50 CFR part 680. Information on the CR Program is posted on the NMFS Alaska Region website at <https://www.fisheries.noaa.gov/alaska/sustainable-fisheries/bering-sea-and-aleutian-islands-crab-rationalization-program>.

This information collection includes the forms used by participants in the CR Program to apply for or renew permits; transfer or lease individual fishing quota (IFQ), individual processor quota (IPQ), quota share (QS), or processor quota share (PQS); and apply for exemption from regional delivery requirements. This information collection also includes the following reports for which no collection forms are used:

- The Community Impact Report or IPQ Holder Report is submitted by a community entity or IPQ holder, respectively, and provides documentation needed by NMFS to evaluate the efficacy of privately administered contracts.
- The CDQ Group Notification of Community Representative is submitted by the Western Alaska Community Development Quota (CDQ) groups representing Saint Paul and Saint George to designate to NMFS a single entity as the regional representative for these two communities.
- The Eligible Crab Community Organization (ECCO) Annual Report is submitted by the ECCO. It details the use of the crab QS and IFQ and is intended to ensure that the ECCO maintains the QS and IFQ to benefit residents of eligible communities.

*Affected Public:* Individuals or households; Business or other for-profit organizations; Not-for-profit institutions.

*Frequency:* Annually; As needed.

*Respondent's Obligation:* Voluntary; Required to Obtain or Retain Benefits; Mandatory.

*Legal Authority:* Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*).

This information collection request may be viewed at [www.reginfo.gov](http://www.reginfo.gov). Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed

information collection should be submitted within 30 days of the publication of this notice on the following website [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0514.

**Sheleen Dumas,**

*Department PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.*

[FR Doc. 2024–03944 Filed 2–26–24; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648–XD739]

#### New England Fishery Management Council (NEFMC); Public Meeting

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

**ACTION:** Notice of public meeting.

**SUMMARY:** The New England Fishery Management Council (Council) is scheduling a joint public meeting of its Monkfish and Dogfish Committees via webinar to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

**DATES:** This webinar will be held on Wednesday, March 13, 2024, at 9 a.m.

**ADDRESSES:** Webinar registration URL information: [https://zoom.us/webinar/register/WN\\_tqcp7-QiT5OILFDpmmYquQ](https://zoom.us/webinar/register/WN_tqcp7-QiT5OILFDpmmYquQ).

*Council address:* New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

**FOR FURTHER INFORMATION CONTACT:** Cate O’Keefe, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

#### SUPPLEMENTARY INFORMATION:

##### Agenda

The Monkfish and Dogfish Committees will meet to discuss the repackaged range of alternatives recommended by the Sturgeon Bycatch Fishery Management Action Team/Plan Development Team, the preliminary draft impact analysis of alternatives, and recommendations from the Joint

Monkfish and Spiny Dogfish Advisory Panel. They will also discuss any Joint Committee recommendations for final preferred alternatives for the NEFMC and Mid-Atlantic Fishery Management Council (MAFMC) to consider during their April Council meetings where final action is anticipated. Other business may be discussed, as necessary.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council’s intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

#### Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Cate O’Keefe, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: February 21, 2024.

**Rey Israel Marquez,**

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

[FR Doc. 2024–03885 Filed 2–26–24; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; a Coastal Management Needs Assessment and Market Analysis for Financing Resilience

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of information collection, request for comment.

**SUMMARY:** The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on

proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public’s reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

**DATES:** To ensure consideration, comments regarding this proposed information collection must be received on or before April 29, 2024.

**ADDRESSES:** Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at [NOAA.PRA@noaa.gov](mailto:NOAA.PRA@noaa.gov). Please reference OMB Control Number 0648–0796 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or specific questions related to collection activities should be directed to Kim Penn, NOAA Office for Coastal Management, 1305 East-West Hwy Silver Spring, MD 20910, (410)701–0407, and [kim.penn@noaa.gov](mailto:kim.penn@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

This is a request for extension of an approved collection of information under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and implementing regulations at 5 CFR part 1320. This information collection assists NOAA in the development of funding and financing coastal resilience learning products and tools in support of the Coastal Zone Management Act of 1972 (CZMA), 16 U.S.C. 1451 *et seq.* NOAA’s Office for Coastal Management (OCM) and its regional, State, Federal, and non-profit partners have worked closely with coastal managers across the country to increase the resilience of our coastal communities, economies and ecosystems. Under the CZMA, OCM provides financial and technical assistance to states and territories, including that which helps its customers (coastal managers) develop hazard mitigation and climate adaptation plans that include strategies for short-term responses to immediate threats (*e.g.*, flooding, hurricanes) as well as long-term responses to gradual changes (*e.g.*, sea level rise, drought). Services are provided through outreach, training, funding, resource, and tool development.

Solutions to these resilience challenges are often complex and cross-sectoral. Therefore, coastal decision-makers regularly point to the need for more substantial, coordinated, sustained

and creative funding opportunities to support these efforts. The results of an initial review of more than 200 resources that NOAA conducted in support of this effort, and informal conversations with NOAA customers and other stakeholders indicate that there is no comprehensive inventory or guide to understanding and selecting appropriate funding options or financing strategies. These findings have been further confirmed in subsequent informal discussions with coastal resilience and finance practitioners at national venues such as the National Adaptation Forum and Social Coast Forum, as well as through the original needs assessment using this information collection instrument. NOAA's coastal management partners continue to request support on this topic.

The financing world is one that is constantly evolving new products and retiring others. The range of funding and financing options, from grants and low-interest loans to more innovative private-public partnerships and emerging bonds, presents an ever-changing and complex array of choices. In initial internal communications and informal discussions conducted between June 2018 and February 2020, NOAA customers indicated that these opportunities and mechanisms are not well understood, and are generally inaccessible to coastal managers, particularly in small to mid-sized communities, rural areas, and tribal communities. The initial information gathered via this collection supported this.

In many coastal communities, investment in mitigation and resilience measures remains either limited or reactive in response to a catastrophic event. While there is no data on the number of adaptation plans that have been implemented, lack of funding is a frequently cited barrier to implementation. At the same time, it has been estimated that investing in mitigation can save communities \$6 for every \$1 spent through mitigation grants from agencies including the Federal Emergency Management Agency, Department of Housing and Urban Development, and Economic Development Administration (according to the National Institute of Building Sciences' October 2018 report, *Natural Hazard Mitigation Saves: Utilities and Transportation Infrastructure*). Understanding the suite of funding and financing options available at the time resilience planning is undertaken, and then incorporating financial strategies into the planning process and recommendations, will help ensure that these plans are implemented. Section

310 of the Coastal Zone Management Act allows for technical assistance and management-oriented research to develop and implement state coastal management program amendments.

NOAA uses the information collected to develop needs assessments defining the types of funding, financing mechanisms, and associated resources that its state and local coastal manager customers need for coastal resilience activities and a market analysis of existing funding and financing programs and mechanisms. Simultaneously, NOAA is identifying existing resources and partnership opportunities for State and local coastal managers and NOAA's non-profit, academic, and other customers. Information collected to date has helped inform the development of new NOAA funding and financing products and services and future collection efforts will help NOAA better understand the impacts these products and services have had on coastal managers' barriers.

This request is for a set of related interviews to facilitate this research. NOAA will perform interviews with state and local coastal managers, as well as representatives from non-profit organizations, academia, the Federal Government, and the finance industry. The interviews will collect relevant information from interviewees on their experiences with coastal resilience funding and financing mechanisms, challenges and opportunities related to funding and financing coastal resilience, and technical support needs and opportunities that NOAA can address.

The information provided by interviewees will be synthesized into the needs assessment, which will address needs and information gaps partitioned by region, financial scale, time scale, and scope/sector. The information provided by interviewees will also be used to help inform an inventory of existing entities providing resources for resilience funding, as well as a summary of existing and emerging funding sources and financial tools and mechanisms for coastal resilience. Finally, the interviews will inform recommendations on NOAA's potential niche in addressing the identified needs and gaps.

The resulting research (and any subsequent resources or tools developed by NOAA to address identified gaps) will provide much needed information to NOAA's customers on funding and financing coastal resilience efforts, including available resources and mechanisms, best practices and strategies, real world success stories, and opportunities for technical and

financial partnerships with private and public entities.

## II. Method of Collection

Information will be collected during structured telephone interviews.

## III. Data

*OMB Control Number:* 0648–0796.

*Form Number(s):* None.

*Type of Review:* Regular submission. Extension of a currently approved information collection.

*Affected Public:* Business or other for-profit organizations; Not-for-profit institutions; State, Local, or Tribal government; Federal Government.

*Estimated Number of Respondents:* 36.

*Estimated Time per Response:* 1.25 hours.

*Estimated Total Annual Burden Hours:* 45.

*Estimated Total Annual Cost to Public:* \$0.

*Respondent's Obligation:* Voluntary.

*Legal Authority:* Coastal Zone Management Act of 1972 (CZMA), 16 U.S.C. 1451 *et seq.*

## IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this information collection request. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we



cannot guarantee that we will be able to do so.

**Sheleen Dumas,**

*Department PRA Clearance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.*

[FR Doc. 2024–03943 Filed 2–26–24; 8:45 a.m.]

**BILLING CODE 3510–08–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648–XD738]

#### New England Fishery Management Council; Public Meeting

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

**ACTION:** Notice of public meeting.

**SUMMARY:** The New England Fishery Management Council (Council) is scheduling a public hybrid meeting of its Risk Policy Working Group to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). This meeting will be held in-person with a webinar option. Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

**DATES:** This meeting will be held on Tuesday, March 12, 2024, at 9 a.m.

#### ADDRESSES:

*Meeting address:* This meeting will be held at the Hilton Garden Inn, 100 High Street, Portsmouth, NH 03801; telephone: (603) 431–1499.

*Webinar registration URL information:*

[https://zoom.us/webinar/register/WN\\_W\\_gl369EQKmGn7iFlqQLXQ](https://zoom.us/webinar/register/WN_W_gl369EQKmGn7iFlqQLXQ).

*Council address:* New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

**FOR FURTHER INFORMATION CONTACT:** Cate O’Keefe, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

#### SUPPLEMENTARY INFORMATION:

##### Agenda

The Risk Policy Working Group (RPWG) will address the terms of reference (TORs) approved by the New England Fishery Management Council (Council), including progress made in reviewing the Council’s current Risk Policy, and Risk Policy Road Map (TOR 1). They will also continue the development of a revised risk policy (TOR 2). The RPWG will outline a possible new approach and consider the

process of implementing the risk policy with ABC control rules and other management decisions.

Other business will be discussed, if necessary.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council’s intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

#### Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Cate O’Keefe, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: February 21, 2024.

**Rey Israel Marquez,**

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

[FR Doc. 2024–03888 Filed 2–26–24; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

[Docket No. PTO–P–2023–0053]

#### Updated Guidance for Making a Proper Determination of Obviousness

**AGENCY:** United States Patent and Trademark Office, Department of Commerce.

**ACTION:** Notice.

**SUMMARY:** The United States Patent and Trademark Office (USPTO or Office) is publishing this updated guidance to provide a review of the flexible approach to determining obviousness that is required by *KSR Int’l Co. v. Teleflex Inc.* (KSR). The focus of this document is on post-KSR precedential cases of the United States Court of Appeals for the Federal Circuit (Federal Circuit), to provide further clarification for decision-makers on how the Supreme Court’s directives should be applied. While highlighting the requirement for a flexible approach to

the obviousness determination, this updated guidance also emphasizes the need for a reasoned explanation when reaching a conclusion that a claimed invention would have been obvious. This updated guidance, together with the direction provided in the Manual of Patent Examining Procedure (MPEP), serves as operable guidance for USPTO personnel when applying the law of obviousness.

**DATES:** This guidance is effective on February 27, 2024.

#### FOR FURTHER INFORMATION CONTACT:

Kathleen Kahler Fonda, Senior Legal Advisor, Office of Patent Legal Administration, Office of the Deputy Commissioner for Patents, at [Kathleen.Fonda@uspto.gov](mailto:Kathleen.Fonda@uspto.gov) or 571–272–7754; or Steven J. Fulk, Legal Advisor, Office of Patent Legal Administration, Office of the Deputy Commissioner for Patents, at [Steven.Fulk@uspto.gov](mailto:Steven.Fulk@uspto.gov) or 571–270–0072.

**SUPPLEMENTARY INFORMATION:** More than 15 years have passed since the Supreme Court’s unanimous decision regarding the obviousness of a claimed invention under 35 U.S.C. 103 rendered in *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 127 S. Ct. 1727 (2007). Since then, the Federal Circuit has helped to refine the contours of the obviousness inquiry. This updated guidance serves as a reminder for USPTO personnel of the flexible approach to obviousness that is required under KSR and Federal Circuit precedent.

This guidance does not constitute substantive rulemaking and hence does not have the force and effect of law. It has been developed as a matter of internal Office management and is not intended to create any right or benefit, substantive or procedural, enforceable by any party against the Office. Rejections will continue to be based on the substantive law, and it is these rejections that are appealable. Consequently, any failure by Office personnel to follow this guidance is neither appealable nor petitionable.

The Office does not intend to announce any new Office practice or procedure by way of this updated guidance. This guidance is based on the Office’s current understanding of the law and is believed to comport with the binding precedent of the Supreme Court and the Federal Circuit. Furthermore, it is meant to be consistent with the Office’s present examination policy. However, if any earlier guidance from the Office, including any section of the current MPEP (9th Edition, Rev. 07.2022, February 2023), is inconsistent with the updated guidance set forth in this notice, Office personnel are to



follow this guidance. This updated guidance will be incorporated into the MPEP in due course.<sup>1</sup>

### I. The America Invents Act Impacted the Time Focus of the KSR Inquiry

As a preliminary matter, it is noted that *KSR* was decided prior to the March 16, 2013, effective date of the prior art provisions of the Leahy-Smith America Invents Act, Public Law 112–29, 125 Stat. 284 (2011) (codified as amended at 35 U.S.C. 1–390 (2012)) (AIA). In keeping with the shift from a first-to-invent statutory scheme to one based on a first-inventor-to-file approach, Congress amended 35 U.S.C. 103 to change the time focus of the obviousness inquiry from “at the time the invention was made” to “before the effective filing date of the claimed invention.”<sup>2</sup> When determining obviousness in a case governed by the AIA, Office personnel should interpret references to “at the time of invention” in *KSR* (see, for example, 550 U.S. at 420, 127 S. Ct. at 1742) as if they referred to the statutory time focus under the AIA, which is “before the effective filing date of the claimed invention.” See MPEP 2158.<sup>3</sup>

### II. The Graham Inquiries Continue To Control Obviousness Determinations After KSR

The Supreme Court’s decision in *KSR* clearly reaffirmed the approach to obviousness announced in *Graham v. John Deere Co.*, 383 U.S. 1, 86 S. Ct. 684 (1966) (*Graham*). At the outset of the *KSR* decision, Justice Kennedy, writing for a unanimous Court, quoted the Court’s decades-earlier obviousness decision in *Graham*:

Under § 103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background, the obviousness or nonobviousness of the subject matter is determined. Such secondary considerations as commercial success, long felt but unsolved

needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented.

*KSR*, 550 U.S. at 406, 127 S. Ct. at 1734 (quoting *Graham*). Referring to this analysis as “objective,” the Court then unambiguously stated that *Graham* remained the law of the land: “While the sequence of these questions might be reordered in any particular case, the factors continue to define the inquiry that controls.” *Id.* at 406–07, 127 S. Ct. at 1734. Since *KSR*, the Federal Circuit has frequently emphasized the centrality of the *Graham* inquiries. See, for example, *Novartis Pharms. Corp. v. West-Ward Pharms. Int’l Ltd.*, 923 F.3d 1051, 1059 (Fed. Cir. 2019); *Apple Inc. v. Samsung Elecs. Co.*, 839 F.3d 1034, 1047–48 (Fed. Cir. 2016); and *Aventis Pharma S.A. v. Hospira, Inc.*, 675 F.3d 1324, 1332 (Fed. Cir. 2012). Thus, USPTO personnel continue to ground obviousness determinations in the objective inquiries announced in *Graham*. See MPEP 2141, subsections I and II.

### III. The Federal Circuit’s Implementation of KSR Has Reiterated a Flexible Approach to Obviousness

A hallmark of the *KSR* approach to obviousness, for which the Supreme Court found basis in *Graham*, is flexibility. *KSR*, 550 U.S. at 415, 127 S. Ct. at 1739. The *KSR* court mandated flexibility in at least two respects: first with regard to the proper understanding of the scope of the prior art, and second with regard to appropriate reasons to modify the prior art. In its cases decided since *KSR*, the Federal Circuit has reiterated these two aspects of flexibility, which are important to a proper determination of obviousness. These aspects are discussed in subsections III.A and III.B of this notice. Subsection III.C concludes the discussion with the important concept, evident in post-*KSR* Federal Circuit decisions, that the flexible approach does not relieve the decision-maker of the need to provide articulated reasoning that is grounded in fact.

#### A. Flexible Approach To Understanding the Scope of Prior Art

The Supreme Court’s directive to employ a flexible approach to understanding the scope of prior art is reflected in the frequently quoted sentence, “A person of ordinary skill is also a person of ordinary creativity, not an automaton.” *Id.* at 421, 127 S. Ct. at 1742. In this section of the *KSR* decision, the Supreme Court instructed the Federal Circuit that persons having ordinary skill in the art (PHOSITAS)

also have common sense, which may be used to glean suggestions from the prior art that go beyond the primary purpose for which that prior art was produced. *Id.* at 421–22, 127 S. Ct. at 1742. Thus, the Supreme Court taught that a proper understanding of the prior art extends to all that the art reasonably suggests, and is not limited to its articulated teachings regarding how to solve the particular technological problem with which the art was primarily concerned. *Id.* at 418, 127 S. Ct. at 1741 (“As our precedents make clear, however, the analysis need not seek out precise teachings directed to the specific subject matter of the challenged claim, for a court can take account of the inferences and creative steps that a person of ordinary skill in the art would employ.”). “The obviousness analysis cannot be confined . . . by overemphasis on the importance of published articles and the explicit content of issued patents.” *Id.* at 419, 127 S. Ct. at 1741.

Federal Circuit case law since *KSR* follows the mandate of the Supreme Court to understand the prior art—including combinations of the prior art—in a flexible manner that credits the common sense and common knowledge of a PHOSITA. The Federal Circuit has made it clear that a narrow or rigid reading of prior art that does not recognize reasonable inferences that a PHOSITA would have drawn is inappropriate. An argument that the prior art lacks a specific teaching will not be sufficient to overcome an obviousness rejection when the allegedly missing teaching would have been understood by a PHOSITA—by way of common sense, common knowledge generally, or common knowledge in the relevant art.

For example, in *Randall Mfg. v. Rea*, 733 F.3d 1355 (Fed. Cir. 2013), the Federal Circuit vacated a determination of nonobviousness by the Patent Trial and Appeal Board (PTAB or Board) because it had not properly considered a PHOSITA’s perspective on the prior art. *Id.* at 1364. The *Randall* court recalled *KSR*’s criticism of an overly rigid approach to obviousness that has “little recourse to the knowledge, creativity, and common sense that an ordinarily skilled artisan would have brought to bear when considering combinations or modifications.” *Id.* at 1362, citing *KSR*, 550 U.S. at 415–22, 127 S. Ct. at 1727. In reaching its decision to vacate, the Federal Circuit stated that by ignoring evidence showing “the knowledge and perspective of one of ordinary skill in the art, the Board failed to account for critical background information that could easily explain why an ordinarily

<sup>1</sup> This notice does not address the impact, if any, of artificial intelligence on the obviousness inquiry. The Office continues to seek input from the public on that question and will issue additional notices as warranted.

<sup>2</sup> Although the AIA made several other changes to § 103 (for example, “subject matter sought to be patented” was replaced with “claimed invention”), none of these additional changes is believed to impact the obviousness inquiry.

<sup>3</sup> See also *Adapt Pharma Operations Ltd. v. Teva Pharms. USA, Inc.*, 25 F.4th 1354, 1365 (Fed. Cir. 2022) (applying *KSR* to claims governed by the AIA); Dmitry Karshedt, *Nonobviousness: Before and After*, 106 Iowa L.R. 1609, 1636 n.199 (2021): “Although the anchoring date has since changed from the invention date to the effective filing date, the substantive reasoning of *KSR* is fully applicable to the AIA’s first-to-file regime.”

skilled artisan would have been motivated to combine or modify the cited references to arrive at the claimed inventions.” *Id.*

Consistent with its directive in *Randall* to focus on a PHOSITA’s perspective on the prior art, the Federal Circuit in *Zup, LLC v. Nash Mfg., Inc.*, 896 F.3d 1365 (Fed. Cir. 2018) held that there would have been a reason to combine prior art elements known to aid in stability for riders of water recreational devices, even without an express teaching of simultaneous use of those elements. *Id.* at 1372–73. The Federal Circuit drew attention to what a PHOSITA in the field of water recreational devices would have known: “Given the consistent focus on rider stability in this industry, it would have been obvious to one of skill in the art to have a rider use both the handles and the foot bindings at the same time while maneuvering between riding positions.” *Id.* at 1373 n.2. Thus, the Federal Circuit credited a PHOSITA with knowledge of the industry’s concern for rider stability—a matter that could be viewed as common sense.

The Federal Circuit has made it clear that the flexible approach to understanding prior art as mandated by the Supreme Court also extends to the issue of whether a prior art disclosure is analogous art to the claimed invention. To be used in an obviousness rejection, a prior art disclosure must be analogous art to the claimed invention. *In re Klein*, 647 F.3d 1343, 1348 (Fed. Cir. 2004). The Federal Circuit reads *KSR* as “direct[ing] us to construe the scope of analogous art broadly” because “familiar items may have obvious uses beyond their primary purposes, and a person of ordinary skill often will be able to fit the teachings of multiple patents together like pieces of a puzzle.” *Wyers v. Master Lock Co.*, 616 F.3d 1231, 1238 (Fed. Cir. 2010), quoting *KSR*, 550 U.S. at 402, 127 S. Ct. at 1727. Consistently, in *Airbus S.A.S. v. Firepass Corp.*, 941 F.3d 1374 (Fed. Cir. 2019), the Federal Circuit recalled the alternative “same field of endeavor” and “reasonably pertinent” tests for analogous art, and stated that “an analysis of whether an asserted reference is analogous art should take into account any relevant evidence in the record cited by the parties to demonstrate the knowledge and perspective of a person of ordinary skill in the art.” *Id.* at 1379, 1383–84. More recently in *Netflix, Inc. v. DivX, LLC*, 80 F.4th 1352 (Fed. Cir. 2023), the Federal Circuit noted the flexible approach under *KSR* as applied to the “same field of endeavor” test: “We have affirmed findings of analogous art where the

references shared a general field of endeavor.” *Id.* at 1359, citing *Unwired Planet, LLC v. Google Inc.*, 841 F.3d 995, 1001 (Fed. Cir. 2016); and *In re Mettke*, 570 F.3d 1356, 1359 (Fed. Cir. 2009).

The flexible approach to understanding the prior art is reflected in USPTO guidance provided at MPEP 2141, subsection III: “Prior art is not limited just to the references being applied, but includes the understanding of one of ordinary skill in the art.” MPEP 2141, subsection II.C, and MPEP 2141.03 provide guidance regarding the level of ordinary skill in the art. Office personnel are directed to MPEP 2141.01(a) for guidance on analogous art. Consistent with *KSR* and subsequent Federal Circuit case law, when evaluating the prior art from the perspective of a PHOSITA, Office personnel must take that person’s “ordinary creativity” into account.

#### *B. Flexible Approach to Providing a Reason To Modify the Prior Art*

Federal Circuit case law since *KSR* confirms that the flexible approach to obviousness encompasses not only how to understand the scope of prior art, but also how to provide a reasoned explanation to support a conclusion that claims would have been obvious. Consistent with *KSR*, the Federal Circuit makes it clear that the obviousness analysis is not “confined by a formalistic conception of the words teaching, suggestion, and motivation.” *Intel Corp. v. Qualcomm Inc.*, 21 F.4th 784, 795 (Fed. Cir. 2021), quoting *KSR*, 550 U.S. at 419, 127 S. Ct. at 1741. To be sure, the Federal Circuit continues to use the word “motivation” in its obviousness jurisprudence. However, it is evident that the term is no longer understood in a rigid or formalistic way. See, for example, *Norgren Inc. v. Int’l Trade Comm’n*, 699 F.3d 1317, 1322 (Fed. Cir. 2012) (“A flexible teaching, suggestion, or motivation test can be useful to prevent hindsight when determining whether a combination of elements known in the art would have been obvious.”); *Outdry Techs. Corp. v. Geox S.p.A.*, 859 F.3d 1364, 1370–71 (Fed. Cir. 2017) (“Any motivation to combine references, whether articulated in the references themselves or supported by evidence of the knowledge of a skilled artisan, is sufficient to combine those references to arrive at the claimed process.”)

In keeping with this flexible approach to providing a rationale for obviousness, the Federal Circuit has echoed *KSR* in identifying numerous possible sources that may, either implicitly or explicitly, provide reasons to combine or modify the prior art to determine that a claimed

invention would have been obvious. These include “market forces; design incentives; the ‘interrelated teachings of multiple patents’; ‘any need or problem known in the field of endeavor at the time of invention and addressed by the patent’; and the background knowledge, creativity, and common sense of the person of ordinary skill.” *Plantronics, Inc. v. Aliph, Inc.*, 724 F.3d 1343, 1354 (Fed. Cir. 2013), quoting *KSR*, 550 U.S. at 418–21, 127 S. Ct. at 1741–42. Furthermore, the Federal Circuit has explained that a reason to optimize prior art parameters may be found in a PHOSITA’s desire to improve on the prior art. *In re Ethicon, Inc.*, 844 F.3d 1344, 1351 (Fed. Cir. 2017) (“The normal desire of artisans to improve upon what is already generally known can provide the motivation to optimize variables such as the percentage of a known polymer for use in a known device.”). The Federal Circuit has also clarified that a proposed reason to combine the teachings of prior art disclosures may be proper, even when the problem addressed by the combination might have been more advantageously addressed in another way. *PAR Pharm., Inc. v. TWI Pharms., Inc.*, 773 F.3d 1186, 1197–98 (Fed. Cir. 2014) (“Our precedent, however, does not require that the motivation be the *best* option, only that it be a *suitable* option from which the prior art did not teach away.”) (emphasis in original).

One aspect of the flexible approach to explaining a reason to modify the prior art is demonstrated in the Federal Circuit’s decision in *Intel Corp. v. Qualcomm Inc.*, 21 F.4th 784, 796 (Fed. Cir. 2021), which confirms that a proposed reason is not insufficient simply because it has broad applicability. Patent challenger Intel had argued in an inter partes review before the Board that some of Qualcomm’s claims were unpatentable because a PHOSITA would have been able to modify the prior art, with a reasonable expectation of success, for the purpose of increasing energy efficiency. *Id.* at 796–97. The Board had disagreed with Intel, in part because it viewed Intel’s energy efficiency rationale as “no more than a *generic* concern that exists in many, if not all, electronic devices” (emphasis in original). *Id.* at 797. Citing *KSR* and reversing the Board on this point, the Federal Circuit explained that “[s]uch a rationale is not inherently suspect merely because it’s generic in the sense of having broad applicability or appeal.” *Id.* The Federal Circuit further pointed out its pre-*KSR* holding “that *because* such improvements are ‘technology-

independent,’ ‘universal,’ and ‘even common-sensical,’ ‘there exists in these situations a motivation to combine prior art references *even absent any hint of suggestion* in the references themselves.’” *Id.*, quoting *DyStar Textilfarben GmbH v. C.H. Patrick Co.*, 464 F.3d 1356, 1368 (Fed. Cir. 2006) (emphasis added by the Federal Circuit in *Intel*). However, the Federal Circuit was also quick to point out that a generally applicable rationale would not be legally sufficient if it were asserted without explanation and in a merely conclusive way. *Id.*

When formulating an obviousness rejection, Office personnel may use any clearly articulated line of reasoning that would have allowed a PHOSITA to draw the conclusion that a claimed invention would have been obvious in view of the facts. MPEP 2143, subsection I, and MPEP 2144. Acknowledging that, in view of *KSR*, there are “many potential rationales that could make a modification or combination of prior art references obvious to a skilled artisan,” the Federal Circuit has also pointed to MPEP 2143, which provides several examples of rationales gleaned from *KSR*. *Unwired Planet*, 841 F.3d at 1003.

*C. Flexible Approach to Obviousness Does Not Negate the Need for Articulated Reasoning and Evidentiary Support*

As discussed above, *KSR*’s flexible approach to the obviousness inquiry disallows “[r]igid preventative rules that deny factfinders recourse to common sense.” 550 U.S. at 421, 127 S. Ct. at 1742. Nevertheless, “[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious.” MPEP 2142. Although this approach is flexible, a proper obviousness rejection still requires the decision-maker to provide adequate analysis based on evidentiary support. This theme is a frequent one in post-*KSR* Federal Circuit jurisprudence. See, for example, *Perfect Web Techs., Inc. v. InfoUSA, Inc.*, 587 F.3d 1324, 1330 (Fed. Cir. 2009) (“We reiterate that, on summary judgment, to invoke ‘common sense’ or any other basis for extrapolating from prior art to a conclusion of obviousness, a district court must articulate its reasoning with sufficient clarity for review.”); *Mintz v. Dietz & Watson, Inc.*, 679 F.3d 1372, 1377 (Fed. Cir. 2012) (“The mere recitation of the words ‘common sense’ without any support adds nothing to the obviousness equation.”); *Arendi S.A.R.L. v. Apple Inc.*, 832 F.3d 1355, 1362 (Fed. Cir. 2016) (“[R]eferences to

‘common sense’—whether to supply a motivation to combine or a missing limitation—cannot be used as a wholesale substitute for reasoned analysis and evidentiary support, especially when dealing with a limitation missing from the prior art references specified.”); *In re Van Os*, 844 F.3d 1359, 1361 (Fed. Cir. 2017) (“[T]he flexibility afforded by *KSR* did not extinguish the factfinder’s obligation to provide reasoned analysis.”). The Federal Circuit has itself called attention to its own repeated emphasis on this requirement since *KSR*. See *Van Os*, 844 F.3d at 1361, quoting *Plantronics, Inc. v. Aliph, Inc.*, 724 F.3d 1343, 1354 (Fed. Cir. 2013) (“Since *KSR*, we have repeatedly explained that obviousness findings ‘grounded in “common sense” must contain explicit and clear reasoning providing some rational underpinning why common sense compels a finding of obviousness.’”); *Arendi S.A.R.L.*, 832 F.3d at 1362 (“[O]ur cases repeatedly warn” that common sense cannot substitute for reasoned analysis and evidentiary support.).

This updated guidance reinforces the directive that Office personnel are required to provide a clear articulation of their reasoning, grounded in relevant facts, when making a determination that a claim would have been obvious under 35 U.S.C. 103. As has been discussed, precedential case law requires such an analysis. Furthermore, “[t]he goal of examination is to clearly articulate any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity.” MPEP 706. Thus, clearly articulated obviousness rejections serve the goal of compact prosecution and allow patent practitioners and Office personnel to conclude patent examination or other USPTO proceedings at the earliest possible time.

**IV. All Evidence Relevant to the Question of Obviousness That Is Properly Before the Decision-Maker Must Be Considered**

When reaching a determination of obviousness in view of *KSR*’s flexible approach as discussed above, decision-makers must consider all relevant evidence that is properly before them. An important theme in the law of obviousness is that the inquiry under *Graham* and *KSR* is not limited to the first three *Graham* factors (*i.e.*, scope and content of the prior art, differences between the prior art and the claims at issue, and the level of ordinary skill in the pertinent art). Rather, when the so-

called secondary considerations of the fourth factor (also known as objective indicia of nonobviousness) have been made an issue in the case, the decision-maker is not free to ignore them. *In re Huai-Hung Kao*, 639 F.3d 1057, 1067 (Fed. Cir. 2011) (“[W]hen secondary considerations are present, though they are not always dispositive, it is error not to consider them.”); *Kinetic Concepts, Inc. v. Smith & Nephew, Inc.*, 688 F.3d 1342, 1360 (Fed. Cir. 2012) (“This court has explained, moreover, that the obviousness inquiry requires examination of all four *Graham* factors.”).<sup>4</sup>

The requirement to consider all relevant evidence is part of the establishment of a *prima facie* case of obviousness. In the context of patent examination and reexamination, MPEP 2142 explains that “[t]he legal concept of *prima facie* obviousness is a procedural tool” that “allocates who has the burden of going forward with production of evidence in each step of the examination process.” At the outset of examination, the patent examiner who issues an obviousness rejection bears the burden of explaining how a preponderance of the evidence supports the conclusion that the claims would have been obvious. *Id.* If objective indicia of nonobviousness are properly before the examiner, such as by way of incorporation into the written description as filed or submission of an evidentiary declaration after the filing date, the examiner must consider those indicia, even before the issuance of a first Office action. A decision-maker “must always consider any objective evidence of nonobviousness presented in a case.” *Transocean Offshore Deepwater Drilling, Inc. v. Maersk Contractors USA, Inc.*, 617 F.3d 1296, 1305 (Fed. Cir. 2010) (referring to a district court as the decision-maker, but also applicable to USPTO decision-makers) (internal citations omitted). “Whether before the Board or a court, this court has emphasized that consideration of the objective indicia is *part* of the whole obviousness analysis, not just an afterthought.” *Leo Pharm. Prod., Ltd. v. Rea*, 726 F.3d 1346, 1357 (Fed. Cir. 2013) (emphasis in original).

At each stage of USPTO proceedings, Office personnel must reweigh all evidence that is relevant and properly of record at that time. Newly submitted

<sup>4</sup> For a list of additional Federal Circuit cases directing decision-makers to consider all the *Graham* factors when determining obviousness, including all evidence of obviousness or nonobviousness that is before the decision-maker, see *In re Cyclobenzaprine Hydrochloride Extended-Release Capsule Patent Litig.*, 676 F.3d 1063, 1076–77 (Fed. Cir. 2012).

evidence in rebuttal of an obviousness rejection must not be considered merely for its knockdown value against any previously-established *prima facie* case. See MPEP 2145, and in particular, the cases cited in examples 1–3. Evidence submitted to rebut a determination of obviousness is important because it may constitute “independent evidence of nonobviousness.” *Pressure Prods. Med. Supplies, Inc. v. Greatbatch Ltd.*, 599 F.3d 1308, 1319 (Fed. Cir. 2010), quoting *Ortho-McNeil Pharm., Inc. v. Mylan Labs., Inc.*, 520 F.3d 1358, 1365 (Fed. Cir. 2008). Such evidence “may often be the most probative and cogent evidence of nonobviousness in the record.” *Ortho-McNeil*, 520 F.3d at 1365, quoting *Catalina Lighting, Inc. v. Lamps Plus, Inc.*, 295 F.3d 1277, 1288 (Fed. Cir. 2002).

It follows from the directive to consider all relevant evidence that the mere existence of a reason to modify the teachings of the prior art may not necessarily lead to a conclusion that a claimed invention would have been legally obvious. *Intercontinental Great Brands LLC v. Kellogg N. Am. Co.*, 869 F.3d 1336, 1346–47 (Fed. Cir. 2017). When stepping into the shoes of a PHOSITA, the decision-maker should seek to understand the “complete picture” regarding the PHOSITA’s perspective on obviousness, having due regard for additional evidence that may weigh against any *prima facie* case. *Id.* at 1346. In determining whether a claimed invention would have been obvious, Office personnel are charged with weighing all the evidence of record, including evidence of obviousness and evidence of nonobviousness. “If this weighing shows obviousness by a preponderance of the evidence, then the claims at issue were unpatentable.” *ACCO Brands Corp. v. Fellowes, Inc.*, 813 F.3d 1361, 1366 (Fed. Cir. 2016).

Without diminishing the need to consider all relevant evidence when making a determination about obviousness, the Federal Circuit has made it clear that an expert’s conclusory opinion about a matter relevant to the obviousness inquiry may be unavailing unless accompanied by factual support. See, for example, *Ethicon*, 844 F.3d at 1352 (concluding in the context of an ex parte appeal that the Board properly gave little weight to conclusory expert testimony regarding objective indicia); *Quanergy Sys., Inc. v. Velodyne Lidar USA, Inc.*, 24 F.4th 1406, 1417 (Fed. Cir. 2022) (agreeing with the Board, in the context of an inter partes review proceeding, that the proffered expert testimony was “incomplete, unspecific, and ultimately conclusory” and

therefore not entitled to controlling weight). Consistently, in the context of proceedings before the PTAB, Office regulations provide that “[e]xpert testimony that does not disclose the underlying facts or data on which the opinion is based is entitled to little or no weight.” 37 CFR 42.65(a); see also *Xerox Corp. v. Bytemark, Inc.*, No. IPR2022–00624, 2022 WL 3648989, at \*6 (PTAB 2022) (precedential) (The USPTO Director affirmed that because “the cited declaration testimony is conclusory and unsupported, [it] adds little to the conclusory assertion for which it is offered to support, and is entitled to little weight.”). Further, during the examination of an application or the reexamination of a patent, any objective evidence of nonobviousness must be submitted by way of an affidavit or declaration; attorney arguments alone cannot take the place of such evidence in the record where the evidence is necessary. See 37 CFR 1.132; MPEP 716.01(c) and MPEP 2145, subsection I.

Consistent with Federal Circuit precedent, Office personnel are directed to consider all objective evidence that has been properly made of record and is relevant to the issue of obviousness at MPEP 2141, subsection II.

#### **V. Office Personnel Will Continue To Apply Reasoning to Facts in Order To Reach a Proper Legal Determination of Obviousness**

Any legally proper obviousness rejection must identify facts and then articulate sound reasoning that leads to the conclusion that the claims would have been obvious to a PHOSITA. “Obviousness is a question of law based on underlying facts. . . .” *Henny Penny Corp. v. Frymaster LLC*, 938 F.3d 1324, 1331 (Fed. Cir. 2019). During patent examination, making factual findings concerning the content of the prior art is often the first step when considering whether or not a claimed invention would have been obvious. As discussed above, the obviousness determination may also involve other facts, such as those presented in an evidentiary declaration. After making appropriate findings of fact, Office personnel must use reasoning in accordance with *Graham* and *KSR* to determine whether a claimed invention would have been obvious in view of all relevant facts. Office personnel must explain on the record how the conclusion of obviousness was reached. See MPEP 2141, subsection II: “Once the findings of fact are articulated, Office personnel must provide an explanation to support an obviousness rejection under 35 U.S.C. 103.” See also MPEP 2142.

In keeping with the flexible approach to obviousness in *KSR* and *Graham*, there is no one-size-fits-all approach to crafting an obviousness rejection. See *KSR*, 550 U.S. at 415, 127 S. Ct. at 1739. Different technologies or different factual situations may lend themselves to different formats for presentation of the relevant facts, or to different lines of reasoning to explain the legal conclusion of obviousness. Office personnel are called on to use their legal and technological expertise to determine how best to explain an obviousness rejection. See *Hyatt v. Kappos*, 625 F.3d 1320, 1343 (Fed. Cir. 2010), *aff’d* and remanded, 566 U.S. 431, 132 S. Ct. 1690 (2012). Any legally proper obviousness rejection will be characterized by findings of fact and a reasoned explanation showing why the claimed invention would have been obvious to a PHOSITA. See, for example, *In re Biedermann*, 733 F.3d 329, 335–36 (Fed. Cir. 2013); *Arctic Cat Inc. v. Bombardier Recreational Prod. Inc.*, 876 F.3d 1350, 1360–61 (Fed. Cir. 2017).

**Katherine K. Vidal,**

*Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.*

[FR Doc. 2024–03967 Filed 2–26–24; 8:45 am]

BILLING CODE 3510–16–P

## **DEPARTMENT OF DEFENSE**

### **Department of the Air Force**

[Docket ID: USAF–2023–HQ–0016]

#### **Submission for OMB Review; Comment Request**

**AGENCY:** Department of the Air Force, Department of Defense (DoD).

**ACTION:** 30-Day information collection notice.

**SUMMARY:** The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

**DATES:** Consideration will be given to all comments received by March 28, 2024.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

**FOR FURTHER INFORMATION CONTACT:**

Reginald Lucas, (571) 372-7574,  
*whs.mc-alex.esd.mbx.dd-dod-*  
*information-collections@mail.mil.*

**SUPPLEMENTARY INFORMATION:**

*Title; Associated Form; and OMB*  
*Number:* Air Force Recruiting  
 Information Support System—Total  
 Force (AFRISS-TF); OMB Control  
 Number 0701-0150.

*Type of Request:* Extension.  
*Number of Respondents:* 100,000.  
*Responses per Respondent:* 1.  
*Annual Responses:* 100,000.  
*Average Burden per Response:* 15  
 minutes.

*Annual Burden Hours:* 25,000.  
*Needs and Uses:* Recruiting requires  
 the collection of specific information on  
 prospective Air Force, Air National  
 Guard, and Air Force Reserve Command  
 enlistees, officers, and health profession  
 personnel prior to entering into duty.  
 The information is used to create the  
 initial personnel record that is used to  
 prescreen and qualify enlistees, line  
 officers, and health professionals fit for  
 service and ultimately induct them into  
 one of the three Air Force commands.  
 The information is also collected to  
 process security clearances for those  
 individuals requiring clearances for  
 sensitive and classified positions. The  
 respondents are recruiting applicants of  
 the Air Force who may seek more  
 information or request copies of their  
 personal information. The collection  
 instrument is a list of questions asked  
 by the recruiter that cannot be found on  
 the SF-86; information taken from the  
 SF-86 can complete the rest of the  
 recruit's application. Collections  
 instruments are completed by  
 applicants and recruiters into the  
 system of record as applicable to their  
 recruiting and application purposes. All  
 completed instruments of collection  
 reside in the system of record which has  
 safeguards in place to protect privacy  
 information. The result of successful  
 information collection is the successful  
 accession of an applicant in the Air  
 Force and the safe keeping of said  
 applicant's personal information.

*Affected Public:* Individuals or  
 households.

*Frequency:* On occasion.  
*Respondent's Obligation:* Voluntary.  
*OMB Desk Officer:* Ms. Jasmeet  
 Seehra.

You may also submit comments and  
 recommendations, identified by Docket  
 ID number and title, by the following  
 method:

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

*Instructions:* All submissions received  
 must include the agency name, Docket

ID number, and title for this **Federal  
 Register** document. The general policy  
 for comments and other submissions  
 from members of the public is to make  
 these submissions available for public  
 viewing on the internet at <http://www.regulations.gov> as they are  
 received without change, including any  
 personal identifiers or contact  
 information.

*DOD Clearance Officer:* Mr. Reginald  
 Lucas.

Requests for copies of the information  
 collection proposal should be sent to  
 Mr. Lucas at *whs.mc-alex.esd.mbx.dd-*  
*dod-information-collections@mail.mil.*

Dated: February 21, 2024.

**Aaron T. Siegel,**

*Alternate OSD Federal Register Liaison  
 Officer, Department of Defense.*

[FR Doc. 2024-03981 Filed 2-26-24; 8:45 am]

**BILLING CODE 6001-FR-P**

**DEPARTMENT OF DEFENSE****Department of the Army**

[Docket ID: USA-2023-HQ-0018]

**Submission for OMB Review;  
 Comment Request**

**AGENCY:** Department of the Army,  
 Department of Defense (DoD).

**ACTION:** 30-Day information collection  
 notice.

**SUMMARY:** The DoD has submitted to the  
 Office of Management and Budget  
 (OMB) for clearance the following  
 proposal for collection of information  
 under the provisions of the Paperwork  
 Reduction Act.

**DATES:** Consideration will be given to all  
 comments received by March 28, 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/](http://www.reginfo.gov/public/do/PRAMain)  
*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:**

Reginald Lucas, (571) 372-7574,  
*whs.mc-alex.esd.mbx.dd-dod-*  
*information-collections@mail.mil.*

**SUPPLEMENTARY INFORMATION:**

*Title; Associated Form; and OMB*  
*Number:* Installation Management  
 Command Survivor Outreach Service  
 System (SOS IMCOM); OMB Control  
 Number 0702-0148.

*Type of Request:* Revision.  
*Number of Respondents:* 60,295.  
*Responses per Respondent:* 2.

*Annual Responses:* 120,590.

*Average Burden per Response:* 20  
 minutes.

*Annual Burden Hours:* 40,197.

*Needs and Uses:* SOS is an Army-  
 wide program that provides dedicated  
 and comprehensive support services to  
 all family members of soldiers who die  
 while on active duty, including Regular  
 Army, United States Army National  
 Guard and Reserves patrons. SOS  
 Support Coordinators serve as the main  
 Survivor advocate. They facilitate  
 support groups, provide life skills  
 education, assist survivors in managing  
 applicable life-long benefit transition  
 milestones, connect survivors with  
 counseling resources, and represent the  
 command in contacts with community  
 organizations. SOS Financial  
 Counselors help survivors by assisting  
 with budget counseling, debt  
 management, education, and higher  
 education needs. SOS staff members are  
 required to make periodic  
 communication with Survivors—at a  
 minimum of one contact annually—to  
 conduct well-being checks and  
 milestone management reviews or  
 determine the level of support Survivors  
 desire. Information gathered in these  
 meetings is input into the SOS  
 application collection instrument by  
 SOS staff members. No customers have  
 access to the collection instrument. SOS  
 staff members collect the information  
 from the survivors and document the  
 information as a direct contact within  
 the SOS application case notes. The  
 successful result of the information  
 collection is an organized and up-to-  
 date database of essential information  
 on survivors that allows SOS to better  
 provide the support they deserve.

*Affected Public:* Individuals or  
 households.

*Frequency:* On occasion.

*Respondent's Obligation:* Voluntary.

*OMB Desk Officer:* Ms. Jasmeet  
 Seehra.

You may also submit comments and  
 recommendations, identified by Docket  
 ID number and title, by the following  
 method:

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

*Instructions:* All submissions received  
 must include the agency name, Docket  
 ID number, and title for this **Federal  
 Register** document. The general policy  
 for comments and other submissions  
 from members of the public is to make  
 these submissions available for public  
 viewing on the internet at <http://www.regulations.gov> as they are  
 received without change, including any  
 personal identifiers or contact  
 information.

*DOD Clearance Officer:* Mr. Reginald Lucas.

Requests for copies of the information collection proposal should be sent to Mr. Lucas at [whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil](mailto:whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil).

Dated: February 21, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024-03977 Filed 2-26-24; 8:45 am]

BILLING CODE 6001-FR-P

## DEPARTMENT OF DEFENSE

### Department of the Army

[Docket ID: USA-2024-HQ-0003]

#### Proposed Collection; Comment Request

**AGENCY:** U.S. Army Corps of Engineers (USACE), Department of the Army, Department of Defense (DoD).

**ACTION:** 60-Day information collection notice.

**SUMMARY:** In compliance with the *Paperwork Reduction Act of 1995*, the USACE announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Consideration will be given to all comments received by April 29, 2024.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods:

*Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

*Mail:* Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350-1700.

*Instructions:* All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions

from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the USACE Institute for Water Resources, 7701 Telegraph Road, Alexandria, Virginia 22315, ATTN: Mr. Kevin Knight, or call 703-428-7250.

#### SUPPLEMENTARY INFORMATION:

*Title; Associated Form; and OMB Number:* Flood and Coastal Storm Damage Surveys; OMB Control Number 0710-0017.

*Needs and Uses:* The USACE provides flood risk management structural and nonstructural mitigation, planning and tech services to communities, residents and businesses at risk of flooding. Flood damage surveys are administered by USACE and its contractors to determine the impacts and potential impacts of flooding and to determine how communities, residents, and businesses respond to flooding. The data are used for estimating damage for factors such as depth of flooding, construction types, and different occupancies of use, which influences project formulation and budgeting.

*Affected Public:* Business or other for-profit; individuals or households; not-for-profit institutions; State, local, or Tribal government.

*Annual Burden Hours:* 1,150.  
*Number of Respondents:* 3,000.  
*Responses per Respondent:* 1.  
*Annual Responses:* 3,000.  
*Average Burden per Response:* 23 minutes.

*Frequency:* On occasion.

Dated: February 22, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024-03998 Filed 2-26-24; 8:45 am]

BILLING CODE 6001-FR-P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Docket ID: DoD-2023-OS-0118]

#### Submission for OMB Review; Comment Request

**AGENCY:** Office of the Under Secretary of Defense for Intelligence and Security (OUSD(I&S)), Department of Defense (DoD).

**ACTION:** 30-Day information collection notice.

**SUMMARY:** The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

**DATES:** Consideration will be given to all comments received by March 28, 2024.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

#### FOR FURTHER INFORMATION CONTACT:

Reginald Lucas, (571) 372-7574, [whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil](mailto:whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil).

#### SUPPLEMENTARY INFORMATION:

*Title; Associated Form; and OMB Number:* Standard Form (SF) 87 Fingerprint Charts; SF 87; OMB Control Number 0705-0002.

*Type of Request:* Revision.  
*Number of Respondents:* 3,136.  
*Responses per Respondent:* 1.  
*Annual Responses:* 3,136.  
*Average Burden per Response:* 5 minutes.

*Annual Burden Hours:* 261.

*Needs and Uses:* The Standard Form (SF) 87 fingerprint card is utilized to conduct a national criminal history check, which is a component of a background investigation. The SF 87 is completed by applicants who are under consideration for Federal employment; by Federal employees, to determine whether they should be retained in such employment; by individuals being considered to perform work for the Federal Government under a Government contract or to continue such work; and by persons seeking long-term access to Federal facilities and systems. The SF 87 fingerprint chart is used in background investigations to help establish facts required to determine, for example, whether the subject of the investigation should be adjudicated to be eligible for logical and physical access to Government facilities and systems; suitable or fit for Federal employment; fit to perform work on behalf of the Federal Government under a Government contract; eligible to hold a position that is sensitive for national security reasons; or eligible for access to classified information. The SF 87 form is utilized only when a hardcopy fingerprint chart must be obtained, as

opposed to the electronic collection of fingerprints.

*Affected Public:* Individuals or households.

*Frequency:* As required.

*Respondent's Obligation:* Voluntary.

*OMB Desk Officer:* Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

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

*Instructions:* All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

*DOD Clearance Officer:* Mr. Reginald Lucas.

Requests for copies of the information collection proposal should be sent to Mr. Lucas at [whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil](mailto:whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil).

Dated: February 22, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024-03979 Filed 2-26-24; 8:45 am]

BILLING CODE 6001-FR-P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Docket ID: DoD-2024-OS-0018]

### Proposed Collection; Comment Request

**AGENCY:** Washington Headquarters Services (WHS), Department of Defense (DoD).

**ACTION:** 60-Day information collection notice.

**SUMMARY:** In compliance with the *Paperwork Reduction Act of 1995*, the WHS announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and

clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Consideration will be given to all comments received by April 29, 2024.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods:

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

- *Mail:* Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350-1700.

*Instructions:* All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to WHS, Facilities Services Directorate (FSD), Enterprise Performance and IT Management Directorate (EPITMD), ATTN: Mr. Jeremy Consolvo, 1550 Crystal Drive, Arlington, VA 22202, or call the WHS/FSD/EPITMD at (703) 697-2224.

### SUPPLEMENTARY INFORMATION:

*Title; Associated Form; and OMB Number:* Fast Track Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery—the Interactive Customer Evaluation System; OMB Control Number: 0704-0420.

*Needs and Uses:* The proposed information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions,

experiences, and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative, and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

The solicitation of feedback will target areas such as: Timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on the Agency's services will be unavailable. The Agency will only submit a collection for approval under this generic clearance if it meets the following conditions:

- The collections are voluntary.
- The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government.

- The collections are non-controversial and do not raise issues of concern to other Federal agencies.

- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future.

- Personally identifiable information is collected only to the extent necessary and is not retained.

- Information gathered will be used only internally for general service improvement and program management purposes and is not intended for release outside of the agency.

- Information gathered will not be used for the purpose of substantially informing influential policy decisions; and

- Information gathered will yield qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but it does not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections



that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

As a general matter, information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

*Affected Public:* Individuals and households.

*Annual Burden Hours:* 25,000.

*Number of Respondents:* 500,000.

*Responses per Respondent:* 1.

*Annual Responses:* 500,000.

*Average Burden per Response:* 3 minutes.

*Frequency:* As needed.

Dated: February 21, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024-03994 Filed 2-26-24; 8:45 am]

BILLING CODE 6001-FR-P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Docket ID: DoD-2024-OS-0016]

#### Proposed Collection; Comment Request

**AGENCY:** Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense, (DoD).

**ACTION:** 60-Day information collection notice.

**SUMMARY:** In compliance with the *Paperwork Reduction Act of 1995*, the OUSD(P&R) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of

information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Consideration will be given to all comments received by April 29, 2024.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods:

*Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

*Mail:* Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350-1700.

*Instructions:* All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Defense Civilian Personnel Advisory Service, 4800 Mark Center Drive, Suite 05G21, Alexandria VA 22350-4000, Kisha L. Wilkins, 571-372-2238.

#### SUPPLEMENTARY INFORMATION:

*Title; Associated Form; and OMB*

*Number:* Department of Defense Telework Agreement; DD Form 2946; OMB Control Number 0704-0611.

*Needs And Uses:* In accordance with and prescribed by DoDI 1035.01, information is collected to register individuals as participants in the DoD alternative workplace program; to manage and document the duties of participants; and to fund, evaluate and report on program activity. The records may be used by Information Technology offices to determine equipment needs, to ensure appropriate safeguards are in place to protect government information, and for assessing and

managing technological risks and vulnerabilities. All employees who are authorized to telework shall complete a DD Form 2946. The DD Form 2946 shall be signed and dated by the employee and supervisor and maintained by the employee's supervisor. Components are encouraged to include a DD Form 2946 in the new employee on-boarding packages for those employees occupying telework eligible positions to ensure that they are aware of their telework responsibilities, should telework be offered or requested. Information on telework responsibilities should be posted throughout the workplace and included in periodic training events.

*Affected Public:* Individuals or Households.

*Annual Burden Hours:* 103,333.

*Number of Respondents:* 310,000.

*Responses per Respondent:* 1.

*Annual Responses:* 310,000.

*Average Burden per Response:* 20 minutes.

*Frequency:* Biennially. Telework agreements shall be reviewed by the supervisor and teleworker, revaluated at least every two years, and revised when appropriate. A new DD Form 2946 should be completed when a new supervisor is responsible for the employee.

Dated: February 21, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024-03995 Filed 2-26-24; 8:45 am]

BILLING CODE 6001-FR-P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Defense Policy Board: Notice of Federal Advisory Committee Meeting

**AGENCY:** Under Secretary of Defense for Policy, Department of Defense (DoD).

**ACTION:** Notice of Federal Advisory Committee meeting.

**SUMMARY:** The DoD is publishing this notice to announce the following Federal advisory committee meeting of the Defense Policy Board (DPB) will take place.

**DATES:** Closed to the public; Tuesday, March 5, 2024, from 8:30 a.m. to 5:30 p.m.

Closed to the public; Wednesday, March 6, 2024, from 10:00 a.m. to 12:00 p.m.

**ADDRESSES:** The closed meeting will be held in the Rodman Conference Room, 3D852, at The Pentagon, 2000 Defense Pentagon, Washington, DC 20301-2000.



**FOR FURTHER INFORMATION CONTACT:** Lt Col Jesse Humpal (U.S. Air Force), (571) 256–8395 (Voice), [jesse.r.humpal.mil@mail.mil](mailto:jesse.r.humpal.mil@mail.mil) (Email). Mailing address is 2000 Defense Pentagon, Attn: 5E420, Washington, DC 20301–2000. You may also reference <https://policy.defense.gov/OUUSDPOffices/DefensePolicy-Board/>.

**SUPPLEMENTARY INFORMATION:** This meeting is being held under the provisions of chapter 10 of title 5, United States Code (U.S.C.) (commonly known as the “Federal Advisory Committee Act” or “FACA”), 5 U.S.C. 552b (commonly known as the “Government in the Sunshine Act”), and sections 102–3.140 and 102–3.150 of title 41, Code of Federal Regulations (CFR).

Due to circumstances beyond the control of the Designated Federal Officer and the Department of Defense, the Defense Policy Board was unable to provide public notification required by 41 CFR 102–3.150(a) concerning its March 5–6, 2024 meeting. Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

**Purpose of the Meeting:** To obtain, review, and evaluate classified information related to the DPB’s mission to advise on: (a) issues central to strategic DoD planning; (b) policy implications of U.S. force structure and modernization on DoD’s ability to execute U.S. defense strategy; (c) U.S. regional defense policies; and (d) other defense policy topics of special interest to the DoD, as determined by the Secretary of Defense, the Deputy Secretary of Defense, or the Under Secretary of Defense for Policy.

**Agenda:** On March 5, 2024, and March 6, 2024, the DPB will receive classified briefings to evaluate the potential impact of an attack by the People’s Republic of China’s (PRC) on U.S. Defense Critical Infrastructure (DCI). Lt Col Jesse Humpal, Designated Federal Officer and Dr. Janine Davidson, Chair of the Defense Policy Board will provide opening remarks; The Hon. Sasha Baker, Acting Under Secretary of Defense for Policy, and Ms. Madeline Mortelmans, Acting Assistant Secretary of Defense for Strategy Plans and Capabilities, will welcome the DPB and provide a strategic overview; Thomas Sisk, Defense Intelligence Officer for China, will discuss the PRC threat to the Homeland and DCI; Teresa Whelan, Director Defense Intelligence Collections and Special Programs, and Ms. Lauren Murphy, Cost Assessment

and Program Evaluation, will discuss the potential impact of PRC attacks on homeland DCI; and Ms. Rebecca Zimmerman, Performing the Duties of Assistant Secretary of Defense for Homeland Defense and Hemispheric Affairs, will discuss DoD plans and strategy for defending DCI. After lunch, Ms. Rebecca Zimmerman, Performing the Duties of Assistant Secretary of Defense for Homeland Defense and Hemispheric Affairs, Caitlin Durkovich, Special Assistant to the President and Deputy Homeland Security Advisor for Resilience and Response, National Security Council, and Iranga Kahangama, Assistant Secretary for Cyber, Infrastructure, Risk, and Resilience, Department of Homeland Security, will discuss interagency perspectives on the wartime PRC threat to DCI; General Gregory M. Guillot, Commander USNORTHCOM/NORAD, will discuss their perspective on how their combatant command is addressing the DCI issue; General Jacqueline D. Van Ovost, Commander USTRANSCOM, will discuss their perspective on how their combatant command is addressing the DCI issue; and Dr. Janine Davidson, the DPB Chair, will lead the DPB through discussions and deliberations on Defense Critical Infrastructure challenges. Day One will conclude. Day Two begins with Dr. Janine Davidson, the DPB Chair, leading the DPB through discussions and deliberations on Defense Critical Infrastructure challenges; and the DPB will then provide its advice and recommendations to the Hon. Lloyd James Austin III, Secretary of Defense. The meeting will then conclude.

**Meeting Accessibility:** In accordance with 5 U.S.C. 1009(d) and 41 CFR 102–3.155, the DoD has determined that this meeting shall be closed to the public. The Acting Under Secretary of Defense (Policy), in consultation with the DoD FACA Attorney, has determined in writing that this meeting be closed to the public because the discussions fall under the purview of 5 U.S.C. 552b(c)(1) and are so inextricably intertwined with unclassified material that they cannot reasonably be segregated into separate discussions without disclosing classified material.

**Written Statements:** In accordance with 5 U.S.C. 1009(a)(3) and 41 CFR 102–3.105(j) and 102–3.140(c), the public or interested organizations may submit written statements to the membership of the DPB at any time regarding its mission or in response to the stated agenda of a planned meeting. Written statements should be submitted to the DPB’s DFO, which is listed in this notice or can be obtained from the

GSA’s FACA Database—<http://www.facadatabase.gov/>. Written statements that do not pertain to a scheduled meeting of the DPB may be submitted at any time. However, if individual comments pertain to a specific topic being discussed at a planned meeting, then these statements must be submitted no later than five business days prior to the meeting in question. The DFO will review all submitted written statements and provide copies to all members.

Dated: February 22, 2024.

**Aaron T. Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2024–04024 Filed 2–26–24; 8:45 am]

**BILLING CODE 6001–FR–P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Docket ID: DoD–2024–OS–0019]

### Proposed Collection; Comment Request

**AGENCY:** The Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

**ACTION:** 60-Day information collection notice.

**SUMMARY:** In compliance with the *Paperwork Reduction Act of 1995*, the OUSD(P&R) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency’s estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Consideration will be given to all comments received by April 29, 2024.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods:

**Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for submitting comments.

**Mail:** Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate,

4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350–1700.

**Instructions:** All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Defense Human Resources Activity, Defense Language and National Security Education Office, 4800 Mark Center Drive, Suite 08F09–02, Alexandria, VA 22350–7000, Mr. Chase Hall, 703–409–8653.

**SUPPLEMENTARY INFORMATION:**

*Title; Associated Form; and OMB Number:* National Security Education Program (Service Agreement Report for Scholarship and Fellowship Awards); DD Form 2752, DD Form 2753; OMB Control Number 0704–0368.

*Needs and Uses:* The David L. Boren National Security Education Act NSEA, Title VIII of Public Law 102–183, Sec. 802(b), as amended, directs the Secretary of Defense to carry out a program to award undergraduate scholarships and graduate fellowships, as well as grants to U.S. institutions of higher education. Accordingly, the National Security Education Program (NSEP) was established. Both DD Form 2752, “NSEP Service Agreement for Scholarship and Fellowship Awards,” and the DD Form 2753, “NSEP Service Agreement Report SAR for Scholarship and Fellowship Awards,” are designed to appropriately collect information on the NSEP award recipients. This information will be used by the NSEP Office, or designated administrative agents, as verification that applicable scholarship and fellowship recipients are fulfilling service obligations mandated by the David L. Boren National Security Education Act of 1991, Title VIII of Public Law 102–183, as amended.

*Affected Public:* Individuals or households.

*Annual Burden Hours:* 275 hours.

*Number of Respondents:* 1,650.

*Responses per Respondent:* 1.

*Annual Responses:* 1,650.

*Average Burden per Response:* 10 minutes.

*Frequency:* Annually.

*Dated:* February 21, 2024.

**Aaron T. Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2024–04003 Filed 2–26–24; 8:45 am]

**BILLING CODE 6001–FR–P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Docket ID: DoD–2023–OS–0123]

#### Submission for OMB Review; Comment Request

**AGENCY:** Office of the Under Secretary of Defense for Acquisition and Sustainment (OUSD(A&S)), Department of Defense (DoD).

**ACTION:** 30-Day information collection notice.

**SUMMARY:** The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

**DATES:** Consideration will be given to all comments received by March 28, 2024.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

**FOR FURTHER INFORMATION CONTACT:** Reginald Lucas, (571) 372–7574, [whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil](mailto:whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil).

**SUPPLEMENTARY INFORMATION:**

*Title; Associated Form; and OMB Number:* Pre-Embarkation Certificate of Disinsection; DD Form 3044; OMB Control Number 0704–0568.

*Type of Request:* Extension.

*Number of Respondents:* 1,000.

*Responses per Respondent:* 1.

*Annual Responses:* 1,000.

*Average Burden per Response:* 10 minutes.

*Annual Burden Hours:* 167.

*Needs and Uses:* The information collection requirement is necessary to provide proof of aircraft disinsection to foreign countries that requires it before cargo and aircrew will be allowed to dis-embark in those countries. This standardized form that is used across the DoD satisfies the documentation requirements of disinsection for all 14 countries that currently require it.

*Affected Public:* Individuals or households.

*Frequency:* On occasion.

*Respondent's Obligation:* Mandatory.

*OMB Desk Officer:* Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

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

*Instructions:* All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

*DOD Clearance Officer:* Mr. Reginald Lucas.

Requests for copies of the information collection proposal should be sent to Mr. Lucas at [whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil](mailto:whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil).

*Dated:* February 21, 2024.

**Aaron T. Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2024–03980 Filed 2–26–24; 8:45 am]

**BILLING CODE 6001–FR–P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Docket ID: DoD–2023–OS–0125]

#### Submission for OMB Review; Comment Request

**AGENCY:** Office of the Under Secretary of Defense for Acquisition and Sustainment (OUSD(A&S)), Department of Defense (DoD).

**ACTION:** 30-Day information collection notice.

**SUMMARY:** The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

**DATES:** Consideration will be given to all comments received by March 28, 2024.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular

information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

**FOR FURTHER INFORMATION CONTACT:**

Reginald Lucas, (571) 372-7574, [whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil](mailto:whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil).

**SUPPLEMENTARY INFORMATION:**

*Title; Associated Form; and OMB Number:* Revitalizing Base Closure Communities, Economic Development Conveyance Annual Financial Statement; OMB Control Number 0790-0004.

*Type of Request:* Extension.

*Number of Respondents:* 24.

*Responses per Respondent:* 1.

*Annual Responses:* 24.

*Average Burden per Response:* 40 hours.

*Annual Burden Hours:* 960.

*Needs and Uses:* The information collection requirement is necessary to verify that Local Redevelopment Authority (LRA) recipients of Economic Development Conveyances (EDC) are in compliance with the requirement that the LRA reinvest proceeds from the use of EDC property for seven years. Respondents are LRAs that have executed EDC agreements with a Military Department that transferred property from a closed military installation. As provided by 32 CFR 174.9, such agreements require that the LRA reinvest the proceeds from any sale, lease, or equivalent use of EDC property (or any portion thereof) during at least the first seven years after the date of the initial transfer of the property to support the economic redevelopment of, or related to, the installation. The Secretary of Defense may recoup from the LRA such portion of these proceeds not used to support the economic redevelopment of, or related to, the installation. LRAs are subject to this same seven-year reinvestment requirement if their EDC agreement is modified to reduce the debt owed to the Federal Government. Military Departments monitor LRA compliance with this provision by requiring an annual financial statement certified by an independent Certified Public Accountant. This information is not required to be reported on a specific form or other standardized collection instrument.

*Affected Public:* Individuals or households.

*Frequency:* Annually.

*Respondent's Obligation:* Voluntary.

*OMB Desk Officer:* Ms. Jasmeet Sehra.

You may also submit comments and recommendations, identified by Docket

ID number and title, by the following method:

• *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

*Instructions:* All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

*DOD Clearance Officer:* Mr. Reginald Lucas.

Requests for copies of the information collection proposal should be sent to Mr. Lucas at [whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil](mailto:whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil).

Dated: February 22, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024-03989 Filed 2-26-24; 8:45 am]

BILLING CODE 6001-FR-P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Docket ID: DoD-2024-OS-0017]

### Proposed Collection; Comment Request

**AGENCY:** National Defense University (NDU), Chairman of the Joint Chiefs of Staff (CJCS), Department of Defense (DoD).

**ACTION:** 60-Day information collection notice.

**SUMMARY:** In compliance with the *Paperwork Reduction Act of 1995*, NDU announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Consideration will be given to all comments received by April 29, 2024.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods:

*Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

*Mail:* Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350-1700.

*Instructions:* All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to NDU, 300 5th Avenue SW Building 62, Washington, DC, ATTN: Monica Owczarzak, (202)-685-9464.

**SUPPLEMENTARY INFORMATION:**

*Title; Associated Form; and OMB Number:* National Defense University (NDU) Student Profile; OMB Control Number: 0704-0602.

*Needs and Uses:* This information collection is required to complete the official student record, which is stored in the University Student Management System (USMS), a component of the NDU Enterprise Information System. Through this information collection, students provide profile information such as demographics, educational background, military service or professional background, and emergency contact information. The information is critical to university operations as it is used to fulfill mandatory reporting requirements and for the safety of our students. The information is collected from students electronically, via a web-based form that contains a combination of selected-response (radio buttons, drop-down menus) and open-response items. The National Defense University Student Profile is completed by all students and is administered using a Drupal-based survey platform provided by USA Learning. The data are downloaded, processed, and transferred to the USMS by NDU's Office of Institutional Research. The result is a set of complete

student records for each academic year in the official repository for such record. The data are used for various institutional purposes such as mandatory reporting and notifying students of emergencies or closures.

*Affected Public:* Individuals and Households, Foreign Nationals.

*Annual Burden Hours:* 50.

*Number of Respondents:* 150.

*Responses per Respondent:* 1.

*Annual Responses:* 150.

*Average Burden per Response:* 20 minutes.

*Frequency:* Annually.

Dated: February 21, 2024.

**Aaron T. Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2024-04004 Filed 2-26-24; 8:45 am]

**BILLING CODE 6001-FR-P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Docket ID: DoD-2023-OS-0124]

### Submission for OMB Review; Comment Request

**AGENCY:** Office of the Under Secretary of Defense for Acquisition and Sustainment (OUSD(A&S)), Department of Defense (DoD).

**ACTION:** 30-Day information collection notice.

**SUMMARY:** The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

**DATES:** Consideration will be given to all comments received by March 28, 2024.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

#### FOR FURTHER INFORMATION CONTACT:

Reginald Lucas, (571) 372-7574, [whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil](mailto:whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil).

#### SUPPLEMENTARY INFORMATION:

*Title; Associated Form; and OMB Number:* Nuclear Test Personnel Review Forms; DTRA Form 150, DTRA Form 150A, DTRA Form 150B, DTRA Form 150D; OMB Control Number 0704-0447.

*Type of Request:* Extension.

*Number of Respondents:* 278.

*Responses per Respondent:* 1.

*Annual Responses:* 278.

*Average Burden per Response:* 24.4 minutes.

*Annual Burden Hours:* 113.

*Needs and Uses:* The information collection requirement is necessary to provide recognition, verify participation, and/or collect irradiation scenario information from nuclear test participants to perform radiation dose assessments. This information is used to award the Atomic Veterans Service Certificate (AVSC) to eligible veterans and to process claims submitted by veterans seeking radiogenic disease compensation from the Department of Veterans Affairs (VA) and/or the Department of Justice (DOJ). This information may also be used in approved veteran epidemiology studies that study the health impact of nuclear tests on U.S. Veterans. Respondents include Veterans and civilian test participants, and their representatives, who apply for the AVSC or file radiogenic disease compensation claims with the VA or DOJ and require information from the Department of Defense.

*Affected Public:* Individuals or households.

*Frequency:* On occasion.

*Respondent's Obligation:* Voluntary.

*OMB Desk Officer:* Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

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

*Instructions:* All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

*DOD Clearance Officer:* Mr. Reginald Lucas.

Requests for copies of the information collection proposal should be sent to Mr. Lucas at [whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil](mailto:whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil).

Dated: February 21, 2024.

**Aaron T. Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2024-03984 Filed 2-26-24; 8:45 am]

**BILLING CODE 6001-FR-P**

## DEPARTMENT OF DEFENSE

### Department of the Navy

[Docket ID: USN-2024-HQ-0003]

### Proposed Collection; Comment Request

**AGENCY:** Department of the Navy, Department of Defense (DoD).

**ACTION:** 60-Day information collection notice.

**SUMMARY:** In compliance with the *Paperwork Reduction Act of 1995*, the Department of the Navy (DoN) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Consideration will be given to all comments received by April 29, 2024.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods:

*Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

*Mail:* Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350-1700.

*Instructions:* All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Office of the Department of the Navy Information Management

Control Officer, 2000 Navy Pentagon, Rm. 4E563, Washington, DC 20350, ATTN: Ms. Sonya Martin, or call 703-614-7585.

**SUPPLEMENTARY INFORMATION:**

*Title; Associated Form; and OMB Number:* Navy Access Control System (NACS) and the U.S. Marine Corps Biometric and Automated Access Control System (BAACS); SECNAV 5512/1; OMB Control Number 0703-0061.

*Needs and Uses:* The information collection is required to control physical access to DoD, DoN or U.S. Marine Corps (USMC) installations/units controlled information, installations, facilities, or areas over which the DoD, DoN or USMC has security responsibilities by identifying or verifying an individual through the use of biometric databases and associated data processing/information services for designated populations for purposes of protecting U.S./Coalition/allied government/national security areas of responsibility and information; to issue badges, replace lost badges and retrieve passes upon separation; to maintain visitor statistics; collect information to adjudicate access to facility; and track the entry/exit of personnel.

*Affected Public:* Individuals or households.

*Annual Burden Hours:* 583,333.

*Number of Respondents:* 3,500,000.

*Responses per Respondent:* 1.

*Annual Responses:* 3,500,000.

*Average Burden per Response:* 10 minutes.

*Frequency:* On occasion.

Dated: February 21, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024-03993 Filed 2-26-24; 8:45 am]

BILLING CODE 6001-FR-P

## DEPARTMENT OF DEFENSE

### Department of the Navy

[Docket ID: USN-2023-HQ-0009]

#### Submission for OMB Review; Comment Request

**AGENCY:** Headquarters Marine Corps (HQMC), Department of the Navy (DON), Department of Defense (DoD).

**ACTION:** 30-Day information collection notice.

**SUMMARY:** The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

**DATES:** Consideration will be given to all comments received by March 28, 2024.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

**FOR FURTHER INFORMATION CONTACT:**

Reginald Lucas, (571) 372-7574, [whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil](mailto:whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil).

**SUPPLEMENTARY INFORMATION:**

*Title; Associated Form; and OMB Number:* MarineNet Registration; OMB Control Number 0712-MNET.

*Type of Request:* New collection.

*Number of Respondents:* 454.

*Responses per Respondent:* 1.

*Annual Responses:* 454.

*Average Burden per Response:* 5 minutes.

*Annual Burden Hours:* 38.

*Needs and Uses:* The Marine Corps Training and Education Command (TECOM) is tasked by the Commandant of the Marine Corps to provide individual entry-level training, professional military education (PME) and continuous professional development. TECOM operates MarineNet, a web-based e-learning portal, to assist in the delivery of required training and PME. A collection of pertinent information (*i.e.*, name, social security number, email address) is necessary for administrative access control to confirm the identity and verify the eligibility of individuals seeking access to the training content on the MarineNet portal. Eligible respondents include active-duty military, reservists, dependents, retirees, DoD civilians and contractors seeking initial access to MarineNet for mandatory annual training, PME, and e-learning resources.

*Affected Public:* Individuals or households.

*Frequency:* On occasion.

*Respondent's Obligation:* Voluntary.

*OMB Desk Officer:* Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

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

*Instructions:* All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy

for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

*DOD Clearance Officer:* Mr. Reginald Lucas.

Requests for copies of the information collection proposal should be sent to Mr. Lucas at [whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil](mailto:whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil).

Dated: February 22, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024-03988 Filed 2-26-24; 8:45 am]

BILLING CODE 6001-FR-P

## DEPARTMENT OF DEFENSE

### Department of the Navy

[Docket ID: USN-2023-HQ-0016]

#### Submission for OMB Review; Comment Request

**AGENCY:** Department of the Navy, Department of Defense (DoD).

**ACTION:** 30-Day information collection notice.

**SUMMARY:** The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

**DATES:** Consideration will be given to all comments received by March 28, 2024.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

**FOR FURTHER INFORMATION CONTACT:**

Reginald Lucas, (571) 372-7574, [whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil](mailto:whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil).

**SUPPLEMENTARY INFORMATION:**

*Title; Associated Form; and OMB Number:* 2024 Navy Health of the Force Survey; Navy Health of the Force Survey Program; OMB Control Number 0703-0095.

*Type of Request:* New Generic Information Collection.

*Number of Respondents:* 20,000.

*Responses per Respondent:* 1.

*Annual Responses:* 20,000.

*Average Burden per Response:* 20 minutes.

*Annual Burden Hours:* 6,667.

*Needs and Uses:* The Navy Health of the Force Survey is a strategic level engagement survey of the Navy Active Duty population that addresses core measures relating to the health of the force. It is conducted on behalf of the Chief of Navy Personnel and under the authority of 5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 8031 and 8032, Office of the Chief of Naval Operations; and OPNAV Instruction 5300.8C, "Coordination and Control of Personnel Surveys." The core survey questions support trend analysis on Sailor job satisfaction, retention plans, and influences to stay or leave; Health of the Force Metrics of connectedness, cohesion, organizational commitment, job satisfaction, trust and inclusion; and diversity, equity and inclusion in the Navy.

The 2024 Health of the Force—Personal (HOF-P) Survey addresses Sailors' personal lives and the programs and policies that impact them. It includes questions about housing for single Sailors, access to healthcare, pregnancy and support for pregnant Sailors, childcare, parental leave, post birth return to work policies and support for work/life balance. Navy management uses the results to evaluate the effectiveness of important programs and policies. Insights from the survey are included in the Navy's HOF Report to Congress and congressional testimony. By consolidating questions about related programs and policies into a single survey, we minimize the burden on Sailors, reducing multiple potentially overlapping single issue or program focused surveys to a single data collection event.

*Affected Public:* Individuals or households (Active Duty Sailors).

*Frequency:* Once.

*Respondent's Obligation:* Voluntary.

*OMB Desk Officer:* Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

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

*Instructions:* All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any

personal identifiers or contact information.

*DOD Clearance Officer:* Mr. Reginald Lucas.

Requests for copies of the information collection proposal should be sent to Mr. Lucas at [whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil](mailto:whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil).

Dated: February 21, 2024.

**Aaron T. Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2024-03978 Filed 2-26-24; 8:45 am]

**BILLING CODE 6001-FR-P**

## DEPARTMENT OF EDUCATION

### Applications for New Awards; Alaska Native and Native Hawaiian-Serving Institutions Program, Part A

**AGENCY:** Office of Postsecondary Education, Department of Education.

**ACTION:** Notice.

**SUMMARY:** The Department of Education (Department) is issuing a notice inviting applications for new awards for fiscal year (FY) 2024 for the Alaska Native and Native Hawaiian-Serving Institutions (ANNH) Program, Part A, Assistance Listing Numbers 84.031N (Alaska Native) and 84.031W (Native Hawaiian). This notice relates to the approved information collection under OMB control number 1840-0810.

#### DATES:

*Applications Available:* February 27, 2024.

*Deadline for Transmittal of Applications:* April 29, 2024.

*Deadline for Intergovernmental Review:* June 26, 2024.

**ADDRESSES:** For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 7, 2022 (87 FR 75045) and available at [www.federalregister.gov/d/2022-26554](http://www.federalregister.gov/d/2022-26554). Please note that these Common Instructions supersede the version published on December 27, 2021.

#### FOR FURTHER INFORMATION CONTACT:

Robyn Wood, U.S. Department of Education, 400 Maryland Avenue SW, 5th Floor, Washington, DC 20202-4260. Telephone: (202) 987-1577. Email: [Robyn.Wood@ed.gov](mailto:Robyn.Wood@ed.gov).

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7-1-1.

#### SUPPLEMENTARY INFORMATION:

## Full Text of Announcement

### I. Funding Opportunity Description

*Purpose of Program:* The ANNH Program provides grants to eligible institutions of higher education (IHEs) to enable them to improve and expand their capacity to serve Alaska Native and Native Hawaiian students. Institutions may use these grants to plan, develop, or implement activities that strengthen the institution.

*Background:* The Alaska Native and Native Hawaiian populations experience disparities in college access and completion. A 2018 report found that degree attainment for Alaska Native adults at the associate's degree level and higher was 11 percent, compared to over 43 percent for White adults in Alaska.<sup>1</sup> In three-year American Community Survey data (2011–2013), the bachelor's degree attainment rate for Native Hawaiians was 20.5 percent, and the national bachelor's degree attainment rate was 29.1 percent.<sup>2</sup> The degree attainment gap between Native Hawaiians and White adults was 21 percentage points, according to a 2018 report.<sup>3</sup> In addition, according to U.S. Census Bureau data, 53% of Native Hawaiians had not enrolled in any postsecondary education, as compared to 54.9% of the total U.S. population who had attended college.<sup>4</sup> To increase access to, and success in, postsecondary education by Alaska Native and Native Hawaiian students, the Department, through the FY 2024 ANNH competitive preference priorities, encourages

<sup>1</sup> Pilar, W.D. (2018, November 15). Degree attainment for Native American adults. Degree Attainment for Native American Adults. <https://edtrust.org/resource/degree-attainment-for-native-american-adults/#:~:text=Degree%20attainment%20for%20Native%20Hawaiians%20is%20significantly%20higher,points%20higher%20than%20degree%20attainment%20for%20Native%20Alaskans.>

<sup>2</sup> Teranishi, R.T., Le, A., Gutierrez, R.A.E., Venturana, R., Hafoka, 'Inoke, Gogue, D.T.-L., & Uluave, L. (2019). APIA scholars—Asian Pacific Islander American scholars: APIA scholars. Native Hawaiians and Pacific Islanders in Higher Education: A Call to Action. [https://apiascholars.org/wp-content/uploads/2019/12/NHPI\\_Report.pdf](https://apiascholars.org/wp-content/uploads/2019/12/NHPI_Report.pdf).

<sup>3</sup> Pilar, W.D. (2018, November 15). Degree attainment for Native American adults. Degree Attainment for Native American Adults. <https://edtrust.org/resource/degree-attainment-for-native-american-adults/#:~:text=Degree%20attainment%20for%20Native%20Hawaiians%20is%20significantly%20higher,points%20higher%20than%20degree%20attainment%20for%20Native%20Alaskans.>

<sup>4</sup> Teranishi, R.T., Le, A., Gutierrez, R.A.E., Venturana, R., Hafoka, 'Inoke, Gogue, D.T.-L., & Uluave, L. (2019). APIA scholars—Asian Pacific Islander American scholars: APIA scholars. Native Hawaiians and Pacific Islanders in Higher Education: A Call to Action. [https://apiascholars.org/wp-content/uploads/2019/12/NHPI\\_Report.pdf](https://apiascholars.org/wp-content/uploads/2019/12/NHPI_Report.pdf).

projects that are designed to reduce these disparities by addressing students' social, emotional, and academic needs, as well as projects designed to increase access and success in postsecondary education.

Through the first invitational priority in this competition, the Department seeks to encourage Alaska Native and Native Hawaiian-serving institutions to support Native language revitalization and preservation. There are more than 200 Tribal communities without living speakers of their native language.<sup>5</sup> Prior to the Native American Languages Act of 1990, Native languages were excluded from classrooms, and the Federal Indian boarding school system "discouraged and prevented" the use of Alaska Native and Native Hawaiian languages.<sup>6</sup> Furthermore, the COVID-19 pandemic had a devastating impact on Native language communities, especially among the elderly population, who are often fluent Native language speakers.<sup>7</sup>

Through the second invitational priority, the Department encourages projects to support Native Hawaiian-serving institutions impacted by the wildfires that occurred in August 2023 on the island of Maui. According to the National Fire Protection Association, the 2023 Maui wildfire ranked among the top 10 deadliest wildfires on record since 1871.<sup>8</sup> The disaster has had a devastating impact on the State's economy.<sup>9</sup>

**Priorities:** This notice contains two competitive preference priorities and two invitational priorities. The competitive preference priorities are from the Secretary's Supplemental Priorities and Definitions for Discretionary Grants Programs, published in the **Federal Register** on

December 10, 2021 (86 FR 70612) (Supplemental Priorities).

**Competitive Preference Priorities:** For FY 2024 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i), we award up to an additional 4 to 8 points to an application for each priority, depending on how well the application meets the priorities. Applicants may respond to one or both priorities, for a total of up to 12 additional points.

These priorities are:

**Competitive Preference Priority 1: Meeting Student Social, Emotional, and Academic Needs** (up to 4 points).

Projects that are designed to improve students' social, emotional, academic, and career development, with a focus on underserved students, by creating a positive, inclusive, and identity-safe climate at IHEs through one or both of the following activities:

(a) Fostering a sense of belonging and inclusion for underserved students. (up to 2 points)

(b) Implementing evidence-based practices for advancing student success for underserved students. (up to 2 points)

**Competitive Preference Priority 2: Increasing Postsecondary Education Access, Affordability, Completion, and Post-Enrollment Success** (up to 8 points).

Projects that are designed to increase postsecondary education access, affordability, completion, and success for underserved students by addressing one or more of the following priority areas:

(a) Increasing the number and proportion of underserved students who enroll in and complete postsecondary education programs, which may include strategies related to college preparation, awareness, application, selection, advising, counseling, and enrollment. (up to 2 points)

(b) Supporting the development and implementation of student success programs that integrate multiple comprehensive and evidence-based services or initiatives, such as academic advising, structured/guided pathways, career services, credit-bearing academic undergraduate courses focused on career, and programs to meet basic needs, such as housing, childcare and transportation, student financial aid, and access to technological devices. (up to 2 points)

**Note:** Under 34 CFR 607.10(c)(13), grantees may not use funds awarded under this program to pay directly for childcare and transportation expenses.

Grantees also may not use funds awarded under this program for student financial aid.

(c) Supporting the development and implementation of high-quality and accessible learning opportunities, including learning opportunities that are accelerated or hybrid online; credit-bearing; work-based; and flexible for working students. (up to 2 points)

(d) Providing secondary school students with access to career exploration and advising opportunities to help students make informed decisions about their postsecondary enrollment decisions and to place them on a career path. (up to 2 points)

**Invitational Priorities:** For FY 2024 and any subsequent year in which we make awards from the list of unfunded applications from this competition, these priorities are invitational priorities. Under 34 CFR 75.105(c)(1), we do not give an application that meets these invitational priorities a competitive or absolute preference over other applicants.

These priorities are:

**Invitational Priority 1.**

Projects that support activities to strengthen and institutionalize Native language preservation and revitalization.

**Invitational Priority 2.**

In the case of Native Hawaiian-serving institutions, projects that address the challenges related to the national wildfire emergency.

**Note:** Applicants must include in the one-page abstract submitted with the application a statement indicating whether they are addressing Competitive Preference Priority 1, Competitive Preference Priority 2, Invitational Priority 1, Invitational Priority 2, any combination of these priorities, or all of these priorities. If the applicant has addressed the priorities, this information also must be listed on the ANNH Program Profile form in the application booklet.

**Definitions:** The definitions below apply to this competition and are from 20 U.S.C. 1059d, 20 U.S.C. 7517, 20 U.S.C. 7546, 43 U.S.C. 1602, 34 CFR 77.1, and the Final Priorities and Definitions—Secretary's Supplemental Priorities and Definitions for Discretionary Grants Programs (86 FR 70612).

*Alaska Native* has the same meaning as the term "Native" has in section 1602(b) of title 43 and includes the descendants of individuals so defined. (20 U.S.C. 7546)

*Alaska Native-serving institution* means an institution of higher education that—

<sup>5</sup> Committee on Indian Affairs. (2018, August 22). Examining Efforts to Maintain and Revitalize Native Language for Future Generations. <https://www.govinfo.gov/content/pkg/CHRG-115shrg32539/html/CHRG-115shrg32539.htm>.

<sup>6</sup> Newland, B. (2022, May). Federal Indian Boarding School Initiative Investigative Report. [https://www.bia.gov/sites/default/files/dup/inline-files/bsi\\_investigative\\_report\\_may\\_2022\\_508.pdf](https://www.bia.gov/sites/default/files/dup/inline-files/bsi_investigative_report_may_2022_508.pdf).

<sup>7</sup> Suave, M. (2021, May 26). Examining the COVID-19 response in Native Communities. Testimony from Michelle Suave on Examining the COVID-19 Response in Native Communities: Native Languages One Year Later before Senate Committee on Indian Affairs. <https://www.hhs.gov/about/agencies/asl/testimony/2021/05/26/examining-the-covid-19-response-in-native-communities.html>.

<sup>8</sup> Carli, L. (2023, August 12). Maui wildfire one of deadliest in U.S. history. Nfpa.org. <https://www.nfpa.org/news-blogs-and-articles/blogs/2023/09/19/maui-wildfire-one-of-deadliest-in-us-history?l=41>.

<sup>9</sup> UHERO Forecast for the State of Hawai'i: Wildfires deliver heavy blow to Maui economy—UHERO (hawaii.edu).



(1) Is an eligible institution under section 1058(b) of title 20; and

(2) At the time of application, has an enrollment of undergraduate students that is at least 20 percent Alaska Native students. (20 U.S.C. 1059d)

*Demonstrates a rationale* means a key project component included in the project's logic model is informed by research or evaluation findings that suggest the project component is likely to improve relevant outcomes. (34 CFR 77.1)

*Evidence Based* means the proposed project component is supported by one or more of strong evidence, moderate evidence, promising evidence, or evidence that demonstrates a rationale.

*Fiscal year* means the Federal fiscal year—a period beginning on October 1 and ending on the following September 30. (34 CFR 77.1)

*Grantee* means the legal entity to which a grant is awarded and that is accountable to the Federal Government for the use of the funds provided. The grantee is the entire legal entity even if only a particular component of the entity is designated in the grant award notice (GAN). For example, a GAN may name as the grantee one school or campus of a university. In this case, the granting agency usually intends, or actually intends, that the named component assume primary or sole responsibility for administering the grant-assisted project or program. Nevertheless, the naming of a component of a legal entity as the grantee in a grant award document shall not be construed as relieving the whole legal entity from accountability to the Federal Government for the use of the funds provided. (This definition is not intended to affect the eligibility provision of grant programs in which eligibility is limited to organizations that may be only components of a legal entity.) The term "grantee" does not include any secondary recipients, such as subgrantees and contractors, that may receive funds from a grantee pursuant to a subgrant or contract. (34 CFR 77.1)

*Logic model* (also referred to as theory of action) means a framework that identifies key project components of the proposed project (*i.e.*, the active "ingredients" that are hypothesized to be critical to achieving the relevant outcomes) and describes the theoretical and operational relationships among the key project components and relevant outcomes. (34 CFR 77.1)

*Note:* In developing logic models, applicants may want to use resources such as the Regional Educational Laboratory Program's (REL Pacific) Education Logic Model Application User Guide, available at <https://>

[ies.ed.gov/ncee/rel/regions/pacific/pdf/ELMUserGuideJune2014.pdf](https://ies.ed.gov/ncee/rel/regions/pacific/pdf/ELMUserGuideJune2014.pdf). Other sources include: Logic Models: At tool for effective program planning, collaboration and monitoring ([https://ies.ed.gov/ncee/edlabs/regions/pacific/pdf/REL\\_2014025.pdf](https://ies.ed.gov/ncee/edlabs/regions/pacific/pdf/REL_2014025.pdf)), and Logic models: A tool for designing and monitoring program evaluations ([https://ies.ed.gov/ncee/edlabs/regions/pacific/pdf/REL\\_2014007.pdf](https://ies.ed.gov/ncee/edlabs/regions/pacific/pdf/REL_2014007.pdf)), and Logic models for program design, implementation, and evaluation: Workshop toolkit ([https://ies.ed.gov/ncee/edlabs/regions/northeast/pdf/REL\\_2015057.pdf](https://ies.ed.gov/ncee/edlabs/regions/northeast/pdf/REL_2015057.pdf)).

*Military- or veteran-connected student* means one or more of the following:

(1) A child participating in an early learning program, a student enrolled in preschool through grade 12, or a student enrolled in career and technical education or postsecondary education who has a parent or guardian who is a member of the uniformed services (as defined by 37 U.S.C. 101), in the Army, Navy, Air Force, Marine Corps, Coast Guard, Space Force, National Guard, Reserves, National Oceanic and Atmospheric Administration, or Public Health Service or is a veteran of the uniformed services with an honorable discharge (as defined by 38 U.S.C. 3311).

(2) A student who is a member of the uniformed services, a veteran of the uniformed services, or the spouse of a service member or veteran.

(3) A child participating in an early learning program, a student enrolled in preschool through grade 12, or a student enrolled in career and technical education or postsecondary education who has a parent or guardian who is a veteran of the uniformed services (as defined by 37 U.S.C. 101). (86 FR 70612)

*Native* means a citizen of the United States who is a person of one-fourth degree or more Alaska Indian (including Tsimshian Indians not enrolled in the Metlaktla Indian Community) Eskimo, or Aleut blood, or combination thereof. The term includes any Native as so defined either or both of whose adoptive parents are not Natives. It also includes, in the absence of proof of a minimum blood quantum, any citizen of the United States who is regarded as an Alaska Native by the Native village or Native group of which he claims to be a member and whose father or mother is (or, if deceased, was) regarded as Native by any village or group. Any decision of the Secretary regarding eligibility for enrollment shall be final. (43 U.S.C. 1602b)

*Native Hawaiian* means any individual who is—

(1) A citizen of the United States; and

(2) A descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii, as evidenced by—

(i) Genealogical records;

(ii) Kupuna (elders) or Kamaaina (long-term community residents)

verification; or

(iii) Certified birth records. (20 U.S.C. 7517)

*Native Hawaiian-serving institution* means an institution of higher education which—

(1) Is an eligible institution under section 1058(b) of title 20; and

(2) At the time of application, has an enrollment of undergraduate students that is at least 10 percent Native Hawaiian students. (20 U.S.C. 1059d)

*Project component* means an activity, strategy, intervention, process, product, practice, or policy included in a project. Evidence may pertain to an individual project component or to a combination of project components (*e.g.*, training teachers on instructional practices for English learners and follow-on coaching for these teachers). (34 CFR part 77)

*Relevant outcome* means the student outcome(s) or other outcome(s) the key project component is designed to improve, consistent with the specific goals of the program. (34 CFR part 77)

*Underserved student* means a student in one or more of the following subgroups:

(1) A student who is living in poverty or is served by schools with high concentrations of students living in poverty.

(2) A child or student with a disability.

(3) A lesbian, gay, bisexual, transgender, queer or questioning, or intersex (LGBTQI+) student.

(4) A pregnant, parenting, or caregiving student,

(5) A student impacted by the justice system, including a formerly incarcerated student.

(6) A student who is the first in their family to attend postsecondary education.

(7) A student who is working full-time while enrolled in postsecondary education.

(8) A student enrolling in or seeking to enroll in postsecondary education for the first time at the age of 20 or older.

(9) A student who is enrolled in or is seeking to enroll in postsecondary education who is eligible for a Pell Grant.

(10) A military- or veteran- connected student.

(86 FR 70612)

*Program Authority:* 20 U.S.C. 1059d.



*Note:* In 2008, the HEA was amended by the Higher Education Opportunity Act of 2008 (HEOA), Pub. L. 110–315. Please note that the regulations for ANNH in 34 CFR part 607 have not been updated to reflect these statutory changes. The statute supersedes all other regulations.

*Note:* Projects will be awarded and must be operated in a manner consistent with the nondiscrimination requirements contained in the Federal civil rights laws.

*Applicable Regulations:* (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The regulations for this program in 34 CFR part 607. (e) The Supplemental Priorities.

## II. Award Information

*Type of Award:* Discretionary grants. Five-year Individual Development Grants and Cooperative Arrangement Development Grants will be awarded in FY 2024.

*Note:* A cooperative arrangement is an arrangement to carry out allowable grant activities between an institution eligible to receive a grant under this part and one or more other eligible or ineligible IHEs, under which the resources of the cooperating institutions are combined and shared to better achieve the purposes of this part and avoid costly duplication of effort.

*Estimated Available Funds:* The Administration has requested \$25,044,000 for ANNH in FY 2024, of which we intend to use an estimated \$17,299,105 for new awards. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in subsequent years from the list of unfunded applications from this competition.

*Individual Development Grants:*

*Estimated Range of Awards:* \$850,000–\$900,000 per year.

*Estimated Average Size of Awards:* \$875,000 per year.

*Maximum Award:* We will not make an award exceeding \$900,000 for a single budget period of 12 months.

*Estimated Number of Awards:* 6.

*Cooperative Arrangement Development Grants:*

*Estimated Range of Awards:*

\$950,000–\$1,000,000 per year.

*Estimated Average Size of Awards:* \$975,000 per year.

*Maximum Award:* We will not make an award exceeding \$1,000,000 for a single budget period of 12 months.

*Estimated Number of Awards:* 12.

*Note:* The Department is not bound by any estimates in this notice.

*Project Period:* Up to 60 months.

## III. Eligibility Information

1.a. *Eligible Applicants:* This program is authorized by title III, part A, of the HEA. At the time of submission of their applications, applicants must certify that an Alaska Native-serving institution has an enrollment of undergraduate students that are at least 20 percent Alaska Native students or that a Native Hawaiian-serving institution has an enrollment of undergraduate students that is at least 10 percent Native Hawaiian students. An assurance form, which is included in the application materials for this competition, must be signed by an official for the applicant and submitted with this application.

To qualify as an eligible institution under the ANNH Program, an institution also must—

(i) Be accredited or preaccredited by a nationally recognized accrediting agency or association that the Secretary has determined to be a reliable authority as to the quality of education or training offered;

(ii) Be legally authorized by the State in which it is located to be a junior or community college or to provide an educational program for which it awards a bachelor's degree;

(iii) Demonstrate that it (1) has an enrollment of needy students as described in 34 CFR 607.3; and (2) has low average education and general expenditures per full-time equivalent (FTE) undergraduate student as described in 34 CFR 607.4.

b. *Relationship between the Title III, Part A Programs and the Developing Hispanic-Serving Institutions (HSI) Program:* A grantee under the HSI Program, which is authorized under title V of the HEA, may not receive a grant under any HEA, title III, part A program. 20 U.S.C. 1101d. The title III, part A programs are the Strengthening Institutions Program, the ANNH program, the Tribally Controlled

Colleges and Universities Program, the Asian American and Native American Pacific Islander-Serving Institutions Program, the Predominantly Black Institutions Program, and the Native American-Serving Nontribal Institutions Program. Furthermore, a current title III, Part A or title V program grantee may not give up its grant to receive a grant under ANNH, as described in 34 CFR 607.2(g)(1).

An eligible IHE that is not a current grantee under the above-cited programs may apply for a FY 2024 grant under all title III, part A programs for which it is eligible, as well as receive consideration for a grant under the HSI program. However, a successful applicant may receive only one grant, as described in 34 CFR 607.2(g)(1).

c. *Individual Development and Cooperative Arrangement Grants:* An eligible IHE that submits applications for an Individual Development Grant and a Cooperative Arrangement Development Grant in this competition may be awarded both in the same fiscal year. However, we will not award a second Cooperative Arrangement Development Grant to an otherwise eligible IHE as the lead institution for an award year for which the IHE already has a Cooperative Arrangement Development Grant as the lead institution under the ANNH Program. A grantee with an Individual Development Grant or a Cooperative Arrangement Development Grant may be a partner in one or more Cooperative Arrangement Development Grants. The lead institution in a Cooperative Arrangement Development Grant must be an eligible institution. Partners are not required to be eligible institutions.

2. a. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

b. *Supplement-Not-Supplant:* This program involves supplement-not-supplant funding requirements. Grant funds must be used so that they supplement and, to the extent practical, increase the funds that would otherwise be available for the activities to be carried out under the grant and in no case supplant those funds (34 CFR 607.30(b)).

c. *Administrative Cost Limitation:* This program does not include any program-specific limitation on administrative expenses. All administrative expenses must be reasonable and necessary and conform to Cost Principles described in 2 CFR part 200 subpart E of the Uniform Guidance.

3. *Subgrantees:* A grantee under this competition may not award subgrants to

entities to directly carry out project activities described in its application.

#### IV. Application and Submission Information

##### 1. Application Submission

**Instructions:** Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 7, 2022 (87 FR 75045), and available at [www.federalregister.gov/d/2022-26554](http://www.federalregister.gov/d/2022-26554), which contain requirements and information on how to submit an application. Please note that these Common Instructions supersede the version published on December 27, 2021.

**2. Intergovernmental Review:** This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program.

**3. Funding Restrictions:** We specify unallowable costs in 34 CFR 607.10(c). We reference additional regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

**4. Recommended Page Limit:** The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to no more than 55 pages for Individual Development Grants and to no more than 75 pages for Cooperative Arrangement Development Grants and (2) use the following standards below. If you are addressing one or more priorities, we recommend that you limit your response to no more than an additional 20 pages total, 5 additional pages for Competitive Preference Priority 1, 5 additional pages for Competitive Preference Priority 2, 5 additional pages for Invitational Priority 1, and 5 additional pages for Invitational Priority 2. Please include a separate heading when responding to one or more competitive or invitational priorities.

- A “page” is 8.5” x 11”, on one side only, with 1” margins at the top, bottom, and both sides.

- Double-space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.

- Use a font that is either 12 point or larger and no smaller than 10 pitch (characters per inch).

- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to the cover sheet; the budget section, including the narrative budget justification; the assurances and certifications; or the one-page abstract and the bibliography. However, the recommended page limit does apply to all of the application narrative.

**Note:** The Budget Information Non-Construction Programs form (ED 524) sections A–C are not the same as the narrative response to the Budget section of the selection criteria.

#### V. Application Review Information

**1. Selection Criteria:** The following selection criteria for this competition are from 34 CFR 607.22(a) through (g) and 34 CFR 75.210. Applicants should address each of the following selection criteria separately for each proposed activity. The selection criteria are worth a total of 100 points. The maximum score for each criterion is noted in parentheses. An applicant that also chooses to address the competitive preference priorities can earn up to 112 total points.

(a) *Quality of the applicant’s comprehensive development plan.* (up to 20 points)

The extent to which—

(1) The strengths, weaknesses, and significant problems of the institution’s academic programs, institutional management, and fiscal stability are clearly and comprehensively analyzed and result from a process that involved major constituencies of the institution. (5 points)

(2) The goals for the institution’s academic programs, institutional management, and fiscal stability are realistic and based on comprehensive analysis. (5 points)

(3) The objectives stated in the plan are measurable, related to institutional goals, and, if achieved, will contribute to the growth and self-sufficiency of the institution. (5 points)

(4) The plan clearly and comprehensively describes the methods and resources the institution will use to institutionalize practice and improvements developed under the proposed project, including, in particular, how operational costs for personnel, maintenance, and upgrades of equipment will be paid with institutional resources. (5 points)

(b) *Quality of activity objectives.* (up to 15 points)

The extent to which the objectives for each activity are—

(1) Realistic and defined in terms of measurable results. (8 points)

(2) Directly related to the problems to be solved and to the goals of the comprehensive development plan. (7 points)

(c) *Quality of the project design.* (up to 12 points)

The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the extent to which the proposed project demonstrates a rationale.

(d) *Quality of implementation strategy.* (up to 16 points)

The extent to which—

(1) The implementation strategy for each activity is comprehensive. (6 points)

(2) The rationale for the implementation strategy for each activity is clearly described and is supported by the results of relevant studies or projects. (6 points)

(3) The timetable for each activity is realistic and likely to be attained. (4 points)

(e) *Quality of key personnel.* (up to 8 points)

The extent to which—

(1) The past experience and training of key professional personnel are directly related to the stated activity objectives. (4 points)

(2) The time commitment of key personnel is realistic. (4 points)

(f) *Quality of project management plan.* (up to 10 points)

The extent to which—

(1) Procedures for managing the project are likely to ensure efficient and effective project implementation. (5 points)

(2) The project coordinator and activity directors have sufficient authority to conduct the project effectively, including access to the president or chief executive officer. (5 points)

(g) *Quality of evaluation plan.* (up to 12 points)

The extent to which—

(1) The data elements and the data collection procedures are clearly described and appropriate to measure the attainment of activity objectives and to measure the success of the project in achieving the goals of the comprehensive development plan. (6 points)

(2) The data analysis procedures are clearly described and are likely to produce formative and summative results on attaining activity objectives and measuring the success of the project

on achieving the goals of the comprehensive development plan. (6 points)

(h) *Budget.* (up to 7 points)

The extent to which the proposed costs are necessary and reasonable in relation to the project's objectives and scope.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

A panel of three non-Federal reviewers will review and score each application in accordance with the selection criteria and the competitive preference priorities. A rank order funding slate will be made from this review. Awards will be made in rank order according to the average score received from the peer review.

In tie-breaking situations for development grants, under 34 CFR 607.23(b), we must award additional points in the following three areas. We award one additional point to an application from an IHE that has an endowment fund of which the current market value, per full-time equivalent enrolled student, is less than the average current market value of the endowment funds, per FTE enrolled student, at comparable type institutions that offer similar instruction. We award one additional point to an application from an IHE that has expenditures for library materials per FTE enrolled student that are less than the average expenditure for library materials per FTE enrolled student at similar type institutions. We also add one additional point to an application from an IHE that proposes to carry out one or more of the following activities—

- (1) Faculty development;
- (2) Funds and administrative management;
- (3) Development and improvement of academic programs;

(4) Acquisition of equipment for use in strengthening management and academic programs;

(5) Joint use of facilities; and

(6) Student services.

For the purpose of these funding considerations, we use 2021–2022 data.

If a tie remains after applying the tie-breaker mechanism above, priority will be given to applicants that have the lowest endowment values per FTE enrolled student.

3. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.206, before awarding grants under this program the Department conducts a review of the risks posed by applicants. Under 2 CFR 200.208, the Secretary may impose specific conditions and, under 2 CFR 3474.10, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently \$250,000), under 2 CFR 200.206(a)(2), we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds \$10,000,000, the reporting requirements in 2 CFR part 200, appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, appendix XII, if this grant plus all the other Federal funds you receive exceed \$10,000,000.

5. *In General:* In accordance with the Office of Management and Budget's guidance located at 2 CFR part 200, all applicable Federal laws, and relevant Executive guidance, the Department

will review and consider applications for funding pursuant to this notice inviting applications in accordance with:

(a) Selecting recipients most likely to be successful in delivering results based on the program objectives through an objective process of evaluating Federal award applications (2 CFR 200.205);

(b) Prohibiting the purchase of certain telecommunication and video surveillance services or equipment in alignment with section 889 of the National Defense Authorization Act of 2019 (Pub. L. 115–232) (2 CFR 200.216);

(c) Providing a preference, to the extent permitted by law, to maximize use of goods, products, and materials produced in the United States (2 CFR 200.322); and

(d) Terminating agreements in whole or in part to the greatest extent authorized by law if an award no longer effectuates the program goals or agency priorities (2 CFR 200.340).

## VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Open Licensing Requirements:* Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee or subgrantee that is awarded competitive grant funds must have a plan to

disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements please refer to 2 CFR 3474.20.

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to [www.ed.gov/fund/grant/apply/appforms/appforms.html](http://www.ed.gov/fund/grant/apply/appforms/appforms.html).

5. *Performance Measures:* The Secretary has established the following key performance measures for the purpose of Department reporting under 34 CFR 75.110.

(a) The percentage change, over the 5-year period, of the number of full-time degree-seeking undergraduates enrolled at Alaska Native and Native Hawaiian-Serving Institutions (*Note:* This is a long-term measure, which will be used to periodically gauge performance);

(b) The percentage of first-time, full-time degree-seeking undergraduate students at 4-year Alaska Native and Native Hawaiian-Serving Institutions who were in their first year of postsecondary enrollment in the previous year and are enrolled in the current year at the same Alaska Native and Native Hawaiian-Serving Institution;

(c) The percentage of first-time, full-time degree-seeking undergraduate students at 2-year Alaska Native and Native Hawaiian-Serving Institutions who were in their first year of postsecondary enrollment in the previous year and are enrolled in the current year at the same Alaska Native and Native Hawaiian-Serving Institution;

(d) The percentage of first-time, full-time degree-seeking undergraduate students enrolled at 4-year Alaska Native and Native Hawaiian-Serving

Institutions who graduate within 6 years of enrollment; and

(e) The percentage of first-time, full-time degree-seeking undergraduate students enrolled at 2-year Alaska Native and Native Hawaiian-Serving Institutions who graduate within 3 years of enrollment.

6. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, whether the grantee has made substantial progress in achieving the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

## VII. Other Information

*Accessible Format:* On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document and a copy of the application package in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotope, or compact disc, or other accessible format.

*Electronic Access to This Document:* The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at [www.govinfo.gov](http://www.govinfo.gov). At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at [www.federalregister.gov](http://www.federalregister.gov). Specifically, through the advanced feature at this site, you can limit your

search to documents published by the Department.

**Nasser H. Paydar,**

*Assistant Secretary for Postsecondary Education.*

[FR Doc. 2024-03946 Filed 2-26-24; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF ENERGY

[GDO Docket No. EA-145-G]

### Application for Renewal of Authorization To Export Electric Energy; Powerex Corp

**AGENCY:** Grid Deployment Office, Department of Energy.

**ACTION:** Notice of application.

**SUMMARY:** Powerex Corp. (the Applicant or Powerex) has applied for renewed authorization to transmit electric energy from the United States to Mexico pursuant to the Federal Power Act.

**DATES:** Comments, protests, or motions to intervene must be submitted on or before March 28, 2024.

**ADDRESSES:** Comments, protests, motions to intervene, or requests for more information should be addressed by electronic mail to [Electricity.Exports@hq.doe.gov](mailto:Electricity.Exports@hq.doe.gov).

#### FOR FURTHER INFORMATION CONTACT:

Christina Gomer, (240) 474-2403, [Electricity.Exports@hq.doe.gov](mailto:Electricity.Exports@hq.doe.gov).

**SUPPLEMENTARY INFORMATION:** The United States Department of Energy (DOE) regulates electricity exports from the United States to foreign countries in accordance with section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)) and regulations thereunder (10 CFR 205.300 *et seq.*). Sections 301(b) and 402(f) of the DOE Organization Act (42 U.S.C. 7151(b) and 7172(f)) transferred this regulatory authority, previously exercised by the now-defunct Federal Power Commission, to DOE.

Section 202(e) of the FPA provides that an entity which seeks to export electricity must obtain an order from DOE authorizing that export. (16 U.S.C. 824a(e)). On April 10, 2023, the authority to issue such orders was delegated to the DOE's Grid Deployment Office (GDO) by Delegation Order No. S1-DEL-S3-2023 and Redelegation Order No. S3-DEL-GD1-2023.

On May 30, 1997, DOE issued Order No. EA-145 authorizing Powerex to transmit electric energy from the United States to Mexico as a power marketer. Such authority was renewed in 1999 (Order No. EA-145-A), 2001 (Order No. EA-145-B), 2004 (Order No. EA-145-

C), 2009 (Order No. EA-145-D), 2014 (Order No. EA-145-E), and 2019 (Order No. EA-145-F). On January 25, 2024, Powerex filed an application with DOE (Application or App.) for renewal of their export authority for an additional five-year term. App. at 1.

According to the Application, Powerex is a British Columbia corporation that is a wholly owned subsidiary of British Columbia Hydro and Power Authority (BC Hydro) a provincial Crown Corporation owned by the Government of British Columbia, Powerex is an instrumentality of a foreign state under the Foreign Sovereign Immunities Act. *Id.* at 2. Powerex is a power marketer authorized to sell wholesale electric energy, capacity, and ancillary services at market-based rates pursuant to authority granted by the Federal Energy Regulatory Commission (FERC) under a wholesale power sales tariff currently on file. Powerex states that it “does not own any electric generation or transmission facilities and, as a power marketer, does not hold a franchise or service territory or native load obligation.” *Id.* at 5. Further, Powerex represents that “none of [its] affiliates own electric transmission facilities that constitute part of the electricity delivery system in the U.S. and Powerex is not affiliated with an entity that holds a franchise or service territory in the contiguous U.S.” *Id.* The Applicant asserts that it “. . . has no transmission ‘system’ of its own on which its exports of power could have a reliability or stability impact.” *Id.* at 5–6.

The existing international transmission facilities to be utilized by the Applicant have been previously authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties. See App. at Exhibit C.

**Procedural Matters:** Any person desiring to be heard in this proceeding should file a comment or protest to the Application at [Electricity.Exports@hq.doe.gov](mailto:Electricity.Exports@hq.doe.gov). Protests should be filed in accordance with Rule 211 of FERC’s Rules of Practice and Procedure (18 CFR 385.211). Any person desiring to become a party to this proceeding should file a motion to intervene at [Electricity.Exports@hq.doe.gov](mailto:Electricity.Exports@hq.doe.gov) in accordance with FERC Rule 214 (18 CFR 385.214).

Comments and other filings concerning Powerex’s Application should be clearly marked with GDO Docket No. EA-145-G. Additional copies are to be provided directly to Powerex Connor Curson, Powerex Corp., 666 Burrard Street, Suite 1300,

Vancouver, British Columbia Canada, V6C 2X8, [connor.curson@powerex.com](mailto:connor.curson@powerex.com), Deanna E. King, Bracewell LLP, 111 Congress Avenue, Suite 2300, Austin, Texas 78701, [deanna.king@bracewell.com](mailto:deanna.king@bracewell.com), and Tracey L. Bradley, Bracewell LLP, 2001 M Street NW, Suite 900, Washington, DC 20036, [tracey.bradley@bracewell.com](mailto:tracey.bradley@bracewell.com).

A final decision will be made on the requested authorization after the environmental impacts have been evaluated pursuant to DOE’s National Environmental Policy Act Implementing Procedures (10 CFR part 1021) and after DOE evaluates whether the proposed action will have an adverse impact on the sufficiency of supply or reliability of the United States electric power supply system.

Copies of this Application will be made available, upon request, by accessing the program website at [www.energy.gov/gdo/pending-applications-0](http://www.energy.gov/gdo/pending-applications-0) or by emailing [Electricity.Exports@hq.doe.gov](mailto:Electricity.Exports@hq.doe.gov).

**Signing Authority:** This document of the Department of Energy was signed on February 16, 2024, by Maria Robinson, Director, Grid Deployment Office, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on February 22, 2024.

**Treena V. Garrett,**

*Federal Register Liaison Officer, U.S. Department of Energy.*

[FR Doc. 2024-03951 Filed 2-26-24; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 2425-057]

### PE Hydro Generation, LLC; Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* 2425-057.

c. *Date filed:* January 3, 2022.

d. *Applicant:* PE Hydro Generation, LLC.

e. *Name of Project:* Luray and Newport Hydroelectric Project.

f. *Location:* The two-development Luray and Newport Project is located on the South Fork of the Shenandoah River near the Towns of Luray (Luray Development) and Newport (Newport Development) in Page County, Virginia.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Ms. Jody Smet, Vice President, Regulatory Affairs, PE Hydro Generation, LLC, 7315 Wisconsin Ave., Suite 1100W, Bethesda, MD 20814; Phone at (804) 382-1764 or email at [jody.smet@eaglecreekre.com](mailto:jody.smet@eaglecreekre.com).

i. *FERC Contact:* Kristine Sillett at (202) 502-6575, or [kristine.sillett@ferc.gov](mailto:kristine.sillett@ferc.gov).

j. *Deadline for filing motions to intervene and protests:* 60 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene and protests using the Commission’s eFiling system at <https://ferconline.ferc.gov/FEROnline.aspx>. For assistance, please contact FERC Online Support at [FEROnlineSupport@ferc.gov](mailto:FEROnlineSupport@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. All filings must clearly identify the project name and docket number on the first page: Luray and Newport Project (P-2425-057).

k. This application has been accepted but is not ready for environmental analysis.

l. *The Luray Development consists of:* (1) a 21.9-foot-high, 530-foot-long reinforced concrete dam; (2) a 126-acre impoundment with a storage capacity of 880 acre-feet; (3) a 100-foot-long, 27.5-foot-wide powerhouse, adjacent to the south end of the dam, containing three generating units having a total installed capacity of 1,600 kW; (4) 35-foot-long, 2.4-kilovolt (kV) project generator lines; (5) a substation containing a 3-phase, 2.4/34.5-kV transformer where

interconnection with the grid occurs; and (6) other appurtenances.

*The Newport Development consists of:* (1) a 28.8-foot-high, 443-foot-long reinforced concrete dam; (2) a 103-acre impoundment with a storage capacity of 1,090 acre-feet; (3) a 73.5-foot-long, 21.2-foot-wide powerhouse adjacent to the north end of the dam, with three Francis turbine/generating units with a total installed capacity of 1,400 kW; (4) 150-foot-long, 2.4-kilovolt (kV) project generator lines; (5) a substation containing a 3-phase, 2.4/34.5-kV transformer where interconnection with the grid occurs; and (5) other appurtenances.

Both developments operate in run-of-river mode with minimum flows of 47 cubic feet per second (cfs) and 40 cfs, at the Luray and Newport Developments, respectively. The project had an average annual generation of 10,928 megawatt-hours between 2011 and 2016.

m. 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. For assistance, contact FERC at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (886) 208-3676 (toll free) or (202) 502-8659 (TTY).

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, contact FERC Online Support. The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members, and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595, or [OPP@ferc.gov](mailto:OPP@ferc.gov).

n. Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the

Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

All filings must (1) bear in all capital letters the title "PROTEST" or "MOTION TO INTERVENE;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

o. *Procedural schedule:* The application will be processed according to the following schedule. Revisions to the schedule will be made as appropriate.

Request Additional Information—  
February 2024

Issue Notice of Ready for Environmental  
Analysis—April 2024

Dated: February 20, 2024.

**Debbie-Anne A. Reese,**  
*Acting Secretary.*

[FR Doc. 2024-03932 Filed 2-26-24; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER24-1275-000]

#### **Aron Energy Prepay 34 LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization**

This is a supplemental notice in the above-referenced proceeding of Aron Energy Prepay 34 LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to

intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 12, 2024.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>) 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 the 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 the Federal Energy Regulatory Commission at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (886) 208-3676 or TTY, (202) 502-8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or [OPP@ferc.gov](mailto:OPP@ferc.gov).

Dated: February 21, 2024.

**Debbie-Anne A. Reese,**

*Acting Secretary.*

[FR Doc. 2024-04037 Filed 2-26-24; 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:* RP24-409-000.

*Applicants:* Empire Pipeline, Inc.

*Description:* 4(d) Rate Filing: Fuel Tracker (Empire Tracking Supply Motioned in Rates 2024) to be effective 2/1/2024.

*Filed Date:* 2/21/24.

*Accession Number:* 20240221-5042.

*Comment Date:* 5 p.m. ET 3/4/24.

*Docket Numbers:* RP24-410-000.

*Applicants:* Elba Express Company, L.L.C.

*Description:* 4(d) Rate Filing: EEC Fuel Tracker Filing—2024 to be effective 4/1/2024.

*Filed Date:* 2/21/24.

*Accession Number:* 20240221-5062.

*Comment Date:* 5 p.m. ET 3/4/24.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

#### Filings in Existing Proceedings

*Docket Numbers:* PR24-15-001.

*Applicants:* Columbia Gas of Pennsylvania.

*Description:* 284.123 Rate Filing: Revised Statement of Operating Conditions (PR24-15-) to be effective 11/29/2023.

*Filed Date:* 2/21/24.

*Accession Number:* 20240221-5057.

*Comment Date:* 5 p.m. ET 3/13/24.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/>

by querying the [fercensearch.asp](https://www.ferc.gov/docs-filing/efiling/filing-req.pdf)) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or [OPP@ferc.gov](mailto:OPP@ferc.gov).

Dated: February 21, 2024.

**Debbie-Anne A. Reese,**

*Acting Secretary.*

[FR Doc. 2024-04035 Filed 2-26-24; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 2391-053]

#### PE Hydro Generation, LLC; Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Subsequent Minor License.

b. *Project No.:* 2391-053.

c. *Date filed:* January 3, 2022.

d. *Applicant:* PE Hydro Generation, LLC.

e. *Name of Project:* Warren Hydroelectric Project.

f. *Location:* On the Shenandoah River near the Town of Front Royal in Warren County, Virginia.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Ms. Jody Smet, Vice President, Regulatory Affairs, PE Hydro Generation, LLC, 7315 Wisconsin Ave., Suite 1100W, Bethesda, MD 20814; Phone at (804) 382-1764 or email at [jody.smet@eaglecreekre.com](mailto:jody.smet@eaglecreekre.com).

i. *FERC Contact:* Kristine Sillett at (202) 502-6575, or [kristine.sillett@ferc.gov](mailto:kristine.sillett@ferc.gov).

j. *Deadline for filing motions to intervene and protest:* 60 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene and protests using the Commission's eFiling system at <https://ferconline.ferc.gov/FEROnline.aspx>. For assistance, please contact FERC Online Support at [FEROnlineSupport@ferc.gov](mailto:FEROnlineSupport@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. All filings must clearly identify the project name and docket number on the first page: Warren Hydroelectric Project (P-2391-053).

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted but is not ready for environmental analysis.

l. The Warren Project consists of the following existing facilities: (1) a 15.3-foot-high, 527-foot-long, reinforced concrete dam; (2) a 105-acre impoundment with a storage capacity of 900 acre-feet; (3) a 44-foot-wide headgate structure with four 4.5-foot by 8-foot gates; (4) a 350-foot-long headrace canal; (5) an 82-foot-long, 30-foot-wide powerhouse containing 3 generating units with a total installed capacity of 750 kW; (6) 360-foot-long, 2.4-kilovolt (kV) project generator lines; (7) a substation containing a 3-phase, 2.4/34.5-kV transformer where interconnection with the grid occurs; and (8) other appurtenances. The project creates an approximately 550-foot-long bypassed reach of the Shenandoah River.

The project operates in run-of-river mode with a minimum flow of 56 cubic feet per second provided by a 1-inch veil flow over the dam into the bypassed reach. The project had an average



annual generation of 3,456 megawatt-hours between 2013 and 2017.

m. 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. For assistance, contact FERC at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (886) 208-3676 (toll free) or (202) 502-8659 (TTY).

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, contact FERC Online Support. The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members, and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595, or [OPP@ferc.gov](mailto:OPP@ferc.gov).

n. Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

All filings must (1) bear in all capital letters the title "PROTEST" or "MOTION TO INTERVENE;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

o. *Procedural schedule*: The application will be processed according to the following schedule. Revisions to the schedule will be made as appropriate.

Request Additional Information:

February 2024

Issue Notice of Ready for Environmental Analysis: April 2024

Dated: February 20, 2024.

**Debbie-Anne A. Reese,**

*Acting Secretary.*

[FR Doc. 2024-03924 Filed 2-26-24; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER24-1270-000]

#### **Prescott Wind Energy LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization**

This is a supplemental notice in the above-referenced proceeding of Prescott Wind Energy LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 11, 2024.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <https://www.ferc.gov>. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the

Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>) 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 the 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 the Federal Energy Regulatory Commission at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (886) 208-3676 or TTY, (202) 502-8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or [OPP@ferc.gov](mailto:OPP@ferc.gov).

Dated: February 20, 2024.

**Debbie-Anne A. Reese,**

*Acting Secretary.*

[FR Doc. 2024-03921 Filed 2-26-24; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### **Alton Post Office Solar, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization**

This is a supplemental notice in the above-referenced proceeding of Alton Post Office Solar, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for



blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 11, 2024.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>) 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 the 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 the Federal Energy Regulatory Commission at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (886) 208-3676 or TTY, (202) 502-8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help

members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or [OPP@ferc.gov](mailto:OPP@ferc.gov).

Dated: February 20, 2024.

**Debbie-Anne A. Reese,**

*Acting Secretary.*

[FR Doc. 2024-03918 Filed 2-26-24; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER24-1277-000]

#### Aron Energy Prepay 36 LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Aron Energy Prepay 36 LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 12, 2024.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling

link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>) 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 the 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 the Federal Energy Regulatory Commission at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (886) 208-3676 or TTY, (202) 502-8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or [OPP@ferc.gov](mailto:OPP@ferc.gov).

Dated: February 21, 2024.

**Debbie-Anne A. Reese,**

*Acting Secretary.*

[FR Doc. 2024-04038 Filed 2-26-24; 8:45 am]

**BILLING CODE 6717-01-P**

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****[Project No. 2509–051]****PE Hydro Generation, LLC; Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests**

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Subsequent Minor License.

b. *Project No.:* 2509–051.

c. *Date filed:* January 3, 2022.

d. *Applicant:* PE Hydro Generation, LLC.

e. *Name of Project:* Shenandoah Hydroelectric Project.

f. *Location:* On the South Fork of the Shenandoah River near the Town of Shenandoah in Page and Rockingham, Counties, Virginia.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)—825(r).

h. *Applicant Contact:* Ms. Jody Smet, Vice President, Engineering and Regulatory Affairs, PE Hydro Generation, LLC, 7315 Wisconsin Ave., Suite 1100W, Bethesda, MD 20814; Phone at (804) 382–1764 or email at [jody.smet@eaglecreekre.com](mailto:jody.smet@eaglecreekre.com).

i. *FERC Contact:* Kristine Sillett at (202) 502–6575, or [kristine.sillett@ferc.gov](mailto:kristine.sillett@ferc.gov).

j. *Deadline for filing motions to intervene and protests:* 60 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene and protests using the Commission's eFiling system at <https://ferconline.ferc.gov/FEROnline.aspx>. For assistance, please contact FERC Online Support at [FEROnlineSupport@ferc.gov](mailto:FEROnlineSupport@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. All filings must clearly identify the project name and docket number on the first page: Shenandoah Hydroelectric Project (P–2509–051).

The Commission's Rules of Practice require all intervenors filing documents

with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted but is not ready for environmental analysis.

l. The Shenandoah Project consists of: (1) a 15-foot-high, 495-foot-long reinforced concrete dam; (2) a 30-acre impoundment with a storage capacity of 190 acre-feet; (3) a 91-foot-long, 38-foot-wide powerhouse adjacent to the north end of the dam, with four generating units having a total installed capacity of 862 kW; (4) 180-foot-long, 2.4-kilovolt (kV) project generator lines; (5) a substation containing a 3-phase, 2.4/34.5-kV transformer where interconnection with the grid occurs and; (6) other appurtenances.

The project operates in run-of-river mode with a minimum flow of 44 cubic feet per second. The project had an average annual generation of 2,037 megawatt-hours between 2011 and 2016.

m. 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. For assistance, contact FERC at [FEROnlineSupport@ferc.gov](mailto:FEROnlineSupport@ferc.gov), or call (886) 208–3676 (toll free) or (202) 502–8659 (TTY).

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, contact FERC Online Support. The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members, and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595, or [OPP@ferc.gov](mailto:OPP@ferc.gov).

n. Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

All filings must (1) bear in all capital letters the title "PROTEST" or "MOTION TO INTERVENE;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

o. *Procedural schedule:* The application will be processed according to the following schedule. Revisions to the schedule will be made as appropriate.

Request Additional Information ..	February 2024.
Issue Notice of Ready for Environmental Analysis.	April 2024.

Dated: February 20, 2024.

**Debbie-Anne A. Reese,**

*Acting Secretary.*

[FR Doc. 2024–03930 Filed 2–26–24; 8:45 am]

**BILLING CODE 6717–01–P**

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****[Project Nos. 405–153; 1025–082; 1881–074]****Constellation Energy Generation; Safe Harbor Water Power Corporation; BIF III Holtwood, LLC; 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:* Temporary variance of fish passage requirements.

b. *Project Nos.*: 405–153, 1205–082, & 1881–074.

c. *Dates Filed*: January 1, 2024; January 5, 2024; and January 5, 2024, respectively.

d. *Applicants*: Constellation Energy Generation, Safe Harbor Water Power Corporation, and BIF III Holtwood, LLC (collectively, licensees).

e. *Names of Projects*: Conowingo, Safe Harbor, and Holtwood Hydroelectric Projects.

f. *Location*: The projects are located on the Susquehanna River in Lancaster and York counties, Pennsylvania, and Cecil and Hartford counties, Maryland. The projects do not occupy federal land.

g. *Filed Pursuant to*: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contacts*:

Andrea Danucalov (P–405),  
Constellation Energy, LLC, 2569  
Shures Landing Road, Darlington, MD  
21034–1503, (610) 301–1664,  
[Andrea.Danucalov@constellation.com](mailto:Andrea.Danucalov@constellation.com)  
Adam Slowik (P–1025 & P–1881),  
Brookfield Renewable, 482 Old  
Holtwood Road, Holtwood, PA 17532,  
(717) 284–6218, [Adam.Slowik@brookfieldrenewable.com](mailto:Adam.Slowik@brookfieldrenewable.com)

i. *FERC Contact*: Alicia Jackson, (202) 502–8038, [Alicia.Jackson@ferc.gov](mailto:Alicia.Jackson@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 m 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* is March 21, 2023.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at <https://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 <https://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](mailto:FERCOnlineSupport@ferc.gov), (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you

may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. The first page of any filing should include docket numbers P–403–152, P–1024–082, and/or P–1881–074. 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 licensees request Commission approval to suspend upstream fish passage activities during the spring 2024 fish passage season to prevent the spread of the invasive northern snakehead (*Channa argus*), blue catfish (*Ictalurus furcatus*), and flathead catfish (*Pylodictis olivaris*). In lieu of volitional fish passage facilities, Constellation Energy Generation would provide trap and truck passage from Conowingo Dam. Any migratory fish would be collected below Conowingo Dam and sorted to remove invasive species before releasing native species upstream of the projects. As the fish passage facilities would not be used at Holtwood Dam, BIF III Holtwood, LLC is also proposing to postpone a radio telemetry study for one year. The study is intended to assess upstream fish passage efficiency.

m. *Locations of the Application*: This filing may be viewed on the Commission's website at <https://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 <https://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](mailto: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. 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 Responsive Documents*: All filings 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 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. A copy of all other filings in reference to this application 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 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](mailto:OPP@ferc.gov).

Dated: February 20, 2024.

**Debbie-Anne A. Reese,**  
Acting Secretary.

[FR Doc. 2024–03919 Filed 2–26–24; 8:45 am]

**BILLING CODE 6717–01–P**

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Project No. 943–146]

**Public Utility District No. 1 of Chelan County, Washington; Notice of Application for Approval of Contract for the Sale of Power Under Section 22 of the Federal Power Act**

Take notice that on February 9, 2024, Public Utility District No. 1 of Chelan County, Washington (Chelan PUD) filed with the Commission an application for approval of a contract for the sale of power from its licensed Rock Island Hydroelectric Project No. 943 for a period beyond the expiration of its existing license for the project. The project is located on the Columbia River in Chelan and Douglas Counties, Washington.

Section 22 of the Federal Power Act, 16 U.S.C. 815, provides that contracts for the sale and delivery of power for periods extending beyond the termination date of a license may be entered into upon the joint approval of the Commission and the appropriate state public service commission or other similar authority in the state in which the sale or delivery of power is made.

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 filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at <https://ferconline.ferc.gov/LogIn.aspx>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <https://ferconline.ferc.gov/QuickComment.aspx>. You must include your name and contact information at the end of your comments. 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: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–943–146.

More information about this project, including a copy of the application, can be viewed or printed on the “eLibrary” link of Commission's website at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number (P–943–146) in the docket number field to access the document. For assistance, contact FERC Online Support.

*Comment Date:* 5 p.m. eastern time on March 22, 2024.

Dated: February 21, 2024.

**Debbie-Anne A. Reese,**  
*Acting Secretary.*

[FR Doc. 2024–04036 Filed 2–26–24; 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:* RP24–406–000.

*Applicants:* National Grid LNG, LLC.

*Description:* § 4(d) Rate Filing: 2024–02–16 Letter Agreements with Boston Gas d/b/a National Grid to be effective 5/25/2023.

*Filed Date:* 2/16/24.

*Accession Number:* 20240216–5219.

*Comment Date:* 5 p.m. ET 2/28/24.

*Docket Numbers:* RP24–407–000.

*Applicants:* Eastern Shore Natural Gas Company.

*Description:* § 4(d) Rate Filing: Capital Cost Surcharge #3 True-up to be effective 4/1/2024.

*Filed Date:* 2/20/24.

*Accession Number:* 20240220–5192.

*Comment Date:* 5 p.m. ET 3/4/24.

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.

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Dated: February 20, 2024.

**Debbie-Anne A. Reese,**  
*Acting Secretary.*

[FR Doc. 2024–03927 Filed 2–26–24; 8:45 am]

**BILLING CODE 6717–01–P**

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****Combined Notice of Filings #1**

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER23–2804–000.

*Applicants:* ISO New England Inc., New England Power Company.

*Description:* Refund Report: New England Power Company submits tariff filing per 35.19a(b): Local Service Agreement Refund Report to be effective N/A.

*Filed Date:* 2/21/24.

*Accession Number:* 20240221–5008.

*Comment Date:* 5 p.m. ET 3/13/24.

*Docket Numbers:* ER24–521–001.

*Applicants:* Duke Energy Florida, LLC.

*Description:* Tariff Amendment: DEF—Response to Deficiency Letter to be effective 11/14/2023.

*Filed Date:* 2/20/24.

*Accession Number:* 20240220–5276.

*Comment Date:* 5 p.m. ET 3/12/24.

*Docket Numbers:* ER24–722–001.

*Applicants:* Oklahoma Gas and Electric Company.

*Description:* Tariff Amendment: Amendment to 48 Deficiency Filing to be effective 1/1/2024.

*Filed Date:* 2/21/24.  
*Accession Number:* 20240221–5059.  
*Comment Date:* 5 p.m. ET 3/13/24.  
*Docket Numbers:* ER24–771–000.  
*Applicants:* Viridon New England LLC.  
*Description:* Viridon New England LLC submits Supplement to Request for Authorization for Incentive Rate Treatments.  
*Filed Date:* 2/15/24.  
*Accession Number:* 20240215–5296.  
*Comment Date:* 5 p.m. ET 2/26/24.  
*Docket Numbers:* ER24–1283–000.  
*Applicants:* PJM Interconnection, L.L.C.  
*Description:* Tariff Amendment: Notice of Cancellation of WMPA SA No. 5451, Queue No. AD1–018 to be effective 4/22/2024.  
*Filed Date:* 2/20/24.  
*Accession Number:* 20240220–5257.  
*Comment Date:* 5 p.m. ET 3/12/24.  
*Docket Numbers:* ER24–1284–000.  
*Applicants:* SR Toombs, LLC.  
*Description:* Baseline eTariff Filing: Market-Based Rate Application to be effective 4/21/2024.  
*Filed Date:* 2/20/24.  
*Accession Number:* 20240220–5261.  
*Comment Date:* 5 p.m. ET 3/12/24.  
*Docket Numbers:* ER24–1285–000.  
*Applicants:* SR Toombs Lessee, LLC.  
*Description:* Baseline eTariff Filing: Market-Based Rate Application to be effective 4/21/2024.  
*Filed Date:* 2/20/24.  
*Accession Number:* 20240220–5263.  
*Comment Date:* 5 p.m. ET 3/12/24.  
*Docket Numbers:* ER24–1286–000.  
*Applicants:* Idaho Power Company.  
*Description:* 205(d) Rate Filing: RS 44—Certificate of Concurrence and Tariff Record to be effective 1/12/2024.  
*Filed Date:* 2/20/24.  
*Accession Number:* 20240220–5280.  
*Comment Date:* 5 p.m. ET 3/12/24.  
*Docket Numbers:* ER24–1287–000.  
*Applicants:* Wadley Solar, LLC.  
*Description:* Baseline eTariff Filing: Wadley Solar, LLC Application for MBR Authorization to be effective 4/22/2024.  
*Filed Date:* 2/21/24.  
*Accession Number:* 20240221–5144.  
*Comment Date:* 5 p.m. ET 3/13/24.  
*Docket Numbers:* ER24–1288–000.  
*Applicants:* Washington County Solar, LLC.  
*Description:* Baseline eTariff Filing: Washington County Solar, LLC Application for MBR Authorization to be effective 4/22/2024.  
*Filed Date:* 2/21/24.  
*Accession Number:* 20240221–5147.  
*Comment Date:* 5 p.m. ET 3/13/24.  
*Docket Numbers:* ER24–1289–000.  
*Applicants:* Decatur Solar Energy Center, LLC.

*Description:* Baseline eTariff Filing: Decatur Solar Energy Center, LLC Application for MBR Authorization to be effective 4/22/2024.

*Filed Date:* 2/21/24.  
*Accession Number:* 20240221–5154.  
*Comment Date:* 5 p.m. ET 3/13/24.  
*Docket Numbers:* ER24–1290–000.  
*Applicants:* ISO New England Inc.  
*Description:* ISO New England Inc., submits the Forward Capacity Auction Results Filing for Forward Capacity Auction 18.  
*Filed Date:* 2/21/24.  
*Accession Number:* 20240221–5178.  
*Comment Date:* 5 p.m. ET 4/8/24.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercensearch.asp>) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

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Dated: February 21, 2024.

**Debbie-Anne A. Reese,**

*Acting Secretary.*

[FR Doc. 2024–04044 Filed 2–26–24; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER24–1282–000]

#### **SR Ailey, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization**

This is a supplemental notice in the above-referenced proceeding of SR Ailey, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 12, 2024.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>) 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 the 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 the Federal Energy Regulatory Commission at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (886) 208-3676 or TTY, (202) 502-8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or [OPP@ferc.gov](mailto:OPP@ferc.gov).

Dated: February 21, 2024.

**Debbie-Anne A. Reese,**  
Acting Secretary.

[FR Doc. 2024-04033 Filed 2-26-24; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

*Docket Numbers:* EG24-116-000.

*Applicants:* 20SD 8me LLC.

*Description:* 20SD 8me LLC submits Request for Commission Certification of Exempt Wholesale Generator Status.

*Filed Date:* 2/20/24.

*Accession Number:* 20240220-5203.

*Comment Date:* 5 p.m. ET 3/12/24.

Take notice that the Commission received the following Complaints and Compliance filings in EL Dockets:

*Docket Numbers:* EL24-76-000.

*Applicants:* I Squared Capital Advisors (US) LLC, ISQ Global Fund III GP, LLC, ISQ Growth Markets Fund GP, LLC, ISQ Energy Transition Fund GP, LLC.

*Description:* Petition for Declaratory Order of I Squared Capital Advisors (US) LLC, ISQ Global Fund III GP, LLC, ISQ Growth Markets Fund GP, LLC and ISQ Energy Transition Fund GP, LLC.

*Filed Date:* 2/15/24.

*Accession Number:* 20240215-5294.

*Comment Date:* 5 p.m. ET 3/18/24.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER10-2374-019.

*Applicants:* Puget Sound Energy, Inc.

*Description:* Notice of Non-Material Change in Status of Puget Sound Energy, Inc., et al.

*Filed Date:* 2/16/24.

*Accession Number:* 20240216-5273.

*Comment Date:* 5 p.m. ET 3/8/24.

*Docket Numbers:* ER24-1273-000.

*Applicants:* PacifiCorp.

*Description:* Petition for Limited Waiver of PacifiCorp.

*Filed Date:* 2/15/24.

*Accession Number:* 20240215-5293.

*Comment Date:* 5 p.m. ET 2/29/24.

*Docket Numbers:* ER24-1278-000.

*Applicants:* Alabama Power

Company, Georgia Power Company, Mississippi Power Company.

*Description:* § 205(d) Rate Filing: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii): Amber Meadow Solar LGIA Filing to be effective 2/7/2024.

*Filed Date:* 2/20/24.

*Accession Number:* 20240220-5182.

*Comment Date:* 5 p.m. ET 3/12/24.

*Docket Numbers:* ER24-1279-000.

*Applicants:* Duke Energy Carolinas, LLC.

*Description:* § 205(d) Rate Filing: DEC-Concord NITSA SA No. 150 to be effective 2/1/2024.

*Filed Date:* 2/20/24.

*Accession Number:* 20240220-5212.

*Comment Date:* 5 p.m. ET 3/12/24.

*Docket Numbers:* ER24-1280-000.

*Applicants:* Avista Corporation.

*Description:* § 205(d) Rate Filing: Avista Corp Amendment No. 1 AV-TR23-1209, KECI to be effective 3/31/2024.

*Filed Date:* 2/20/24.

*Accession Number:* 20240220-5244.

*Comment Date:* 5 p.m. ET 3/12/24.

*Docket Numbers:* ER24-1281-000.

*Applicants:* Russellville Solar LLC.

*Description:* Baseline eTariff Filing: Market-Based Rate Application to be effective 4/21/2024.

*Filed Date:* 2/20/24.

*Accession Number:* 20240220-5253.

*Comment Date:* 5 p.m. ET 3/12/24.

*Docket Numbers:* ER24-1282-000.

*Applicants:* SR Ailey, LLC.

*Description:* Baseline eTariff Filing: Market-Based Rate Tariff to be effective 4/21/2024.

*Filed Date:* 2/20/24.

*Accession Number:* 20240220-5255.

*Comment Date:* 5 p.m. ET 3/12/24.

Take notice that the Commission received the following electric reliability filings:

*Docket Numbers:* RD23-1-002.

*Applicants:* North American Electric Reliability Corporation.

*Description:* Compliance Filing of the North American Electric Reliability Corporation for Cold Weather Data Collection.

*Filed Date:* 2/16/24.

*Accession Number:* 20240216-5257.

*Comment Date:* 5 p.m. ET 3/12/24.

*Docket Numbers:* RD24-5-000.

*Applicants:* North American Electric Reliability Corporation.

*Description:* North American Electric Reliability Corporation submits Petition for Approval of Proposed Reliability Standard EOP-012-2 and Request for Expedited Action.

*Filed Date:* 2/16/24.

*Accession Number:* 20240216-5277.

*Comment Date:* 5 p.m. ET 3/21/24.

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](mailto:OPP@ferc.gov).

Dated: February 20, 2024.

**Debbie-Anne A. Reese,**  
Acting Secretary.

[FR Doc. 2024-03925 Filed 2-26-24; 8:45 am]

**BILLING CODE 6717-01-P**

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Docket Nos. PR24–28–000, PR24–29–000, PR24–30–000]

**Enterprise Texas Pipeline LLC, Acadian Gas Pipeline System, Enterprise Intrastate LLC; Notice of Technical Conference**

Take notice that a virtual technical conference will be held on March 4, 2024, at 10 a.m. (EST) to discuss comments, protests, and data request responses filed in the proceedings captioned above.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to [accessibility@ferc.gov](mailto:accessibility@ferc.gov), call toll-free (866) 208–3372 (voice) or (202) 208–8659 (TTY), or send a fax to (202) 208–2106 with the required accommodations.

All interested parties are invited to participate remotely. For more information about this technical conference including how to participate, virtual meeting details, etc., please contact Wallace Knobel at [Wallace.Knobel@ferc.gov](mailto:Wallace.Knobel@ferc.gov) or at 202–502–6288.

Dated: February 21, 2024.

**Debbie-Anne A. Reese,**  
*Acting Secretary.*

[FR Doc. 2024–04032 Filed 2–26–24; 8:45 am]

BILLING CODE 6717–01–P

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Docket No. ER24–1285–000]

**SR Toombs Lessee, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization**

This is a supplemental notice in the above-referenced proceeding of SR Toombs Lessee, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice

and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 12, 2024.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>) 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 the 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 the Federal Energy Regulatory Commission at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

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contact OPP at (202) 502–6595 or [OPP@ferc.gov](mailto:OPP@ferc.gov).

Dated: February 21, 2024.

**Debbie-Anne A. Reese,**  
*Acting Secretary.*

[FR Doc. 2024–04034 Filed 2–26–24; 8:45 am]

BILLING CODE 6717–01–P

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Project No. 2452–236]

**Consumers Energy Company; Notice of Availability of Environmental Assessment**

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission or FERC) regulations, 18 Code of Federal Regulations (CFR) part 380, Commission staff reviewed Consumer Energy Company's application for a non-capacity amendment of the license for the Hardy Hydroelectric Project No. 2452 (project) and have prepared an Environmental Assessment (EA). The licensee proposes amending the license to upgrade project features and improve dam safety. As proposed, the licensee would improve dam safety by: (1) temporarily drawing down the project reservoir to facilitate construction; (2) replacing the auxiliary spillway; (3) widening the road that traverses the dam crest; and (4) replacing the dam's existing splash wall. The 30.0-megawatt project is on the Muskegon River in Newaygo and Mecosta counties, Michigan. The project does not occupy federal lands.

The EA contains Commission staff's analysis of the potential environmental effects of the proposed amendment and concludes that it would not constitute a major federal action that would significantly affect the quality of the human environment.

The Commission provides all interested persons with an opportunity to view and/or print the EA via the internet through the Commission's Home Page (<https://www.ferc.gov>) using the "eLibrary" link. Enter the docket number, excluding the last three digits in the docket number field, to access the document. For assistance, contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at (866) 208–3676, or for TTY, (202) 502–8659.

You may also register online at <https://ferconline.ferc.gov/eSubscription.aspx> to be notified via



email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support. For further information, contact David Rudisail at 202–502–6376 or [David.Rudisail@ferc.gov](mailto:David.Rudisail@ferc.gov).

Dated: February 20, 2024.

**Debbie-Anne A. Reese,**  
*Acting Secretary.*

[FR Doc. 2024–03931 Filed 2–26–24; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER24–1276–000]

#### **Aron Energy Prepay 35 LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization**

This is a supplemental notice in the above-referenced proceeding of Aron Energy Prepay 35 LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 12, 2024.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC

20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>) 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 the 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 the Federal Energy Regulatory Commission at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (886) 208–3676 or TTY, (202) 502–8659.

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Dated: February 21, 2024.

**Debbie-Anne A. Reese,**  
*Acting Secretary.*

[FR Doc. 2024–04047 Filed 2–26–24; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER24–1281–000]

#### **Russellville Solar LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization**

This is a supplemental notice in the above-referenced proceeding of Russellville Solar LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR

part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 12, 2024.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>) 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 the 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 the Federal Energy Regulatory Commission at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (886) 208–3676 or TTY, (202) 502–8659.

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landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or *OPP@ferc.gov*.

Dated: February 21, 2024.

**Debbie-Anne A. Reese,**

*Acting Secretary.*

[FR Doc. 2024-04048 Filed 2-26-24; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 2736-046]

#### Idaho Power Company; Notice of Waiver Period for Water Quality Certification Application

On February 14, 2024, Idaho Power Company submitted to the Federal Energy Regulatory Commission (Commission) evidence of the date on which the certifying agency received the certification request for a Clean Water Act section 401(a)(1) water quality certification filed with the Idaho Department of Environmental Quality, in conjunction with the above captioned project. Pursuant to 40 CFR 121.6 and section 4.34(b)(5), 5.23(b), 153.4, or 157.22 of the Commission's regulations,<sup>1</sup> we hereby notify the Idaho Department of Environmental Quality of the following:

*Date of Receipt of the Certification Request:* September 12, 2023.

*Reasonable Period of Time to Act on the Certification Request:* One year (September 12, 2024).

If the Idaho Department of Environmental Quality fails or refuses to act on the water quality certification request on or before the above date, then the agency certifying authority is deemed waived pursuant to section 401(a)(1) of the Clean Water Act, 33 U.S.C. 1341(a)(1).

Dated: February 21, 2024.

**Debbie-Anne A. Reese,**

*Acting Secretary.*

[FR Doc. 2024-04046 Filed 2-26-24; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER24-1284-000]

#### SR Toombs, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of SR Toombs, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 12, 2024.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>) 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 the 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 the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208-3676 or TTY, (202) 502-8659.

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Dated: February 21, 2024.

**Debbie-Anne A. Reese,**

*Acting Secretary.*

[FR Doc. 2024-04043 Filed 2-26-24; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER24-1272-000]

#### Foxglove Solar Project, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Foxglove Solar Project, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

<sup>1</sup> 18 CFR 4.34(b)(5), 5.23(b), 153.4, and 157.22.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 11, 2024.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <https://www.ferc.gov>. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>) 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 the 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 the Federal Energy Regulatory Commission at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (886) 208-3676 or TTY, (202) 502-8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or [OPP@ferc.gov](mailto:OPP@ferc.gov).

Dated: February 20, 2024.

**Debbie-Anne A. Reese,**

*Acting Secretary.*

[FR Doc. 2024-03926 Filed 2-26-24; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 15024-000]

#### Pumped Hydro Storage LLC; Supplemental Notice Soliciting Comments

On March 12, 2020, Pumped Hydro Storage LLC filed an application for a preliminary permit to study the feasibility of the Big Canyon Pumped Storage Project No. 15024, which would be located entirely on lands within the Navajo Nation Reservation.

On February 15, 2024, the Commission established a new policy that it will not issue preliminary permits for projects proposing to use Tribal lands if the Tribe on whose lands the project is to be located opposes the permit.<sup>1</sup> In light of the new policy, the Commission is giving stakeholders 30 days from the issuance of this notice to provide additional comments on the Big Canyon Pumped Storage Project.

Dated: February 20, 2024.

**Debbie-Anne A. Reese,**

*Acting Secretary.*

[FR Doc. 2024-03928 Filed 2-26-24; 8:45 am]

**BILLING CODE 6717-01-P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2024-0058; FRL-11681-01-OCSP]

### Pesticide Product Registration; Receipt of Applications for New Active Ingredients (January 2024)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has received applications to register pesticide products containing active ingredients not included in any currently registered pesticide products. Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice

<sup>1</sup> *Nature & People First Ariz. PHS, LLC*, 186 FERC ¶ 61,117 (2024); *Nature & People First N.M. PHS, LLC*, 186 FERC ¶ 61,118 (2024); *Nature & People First Ariz. PHS, LLC*, 186 FERC ¶ 61,119 (2024); *Western Navajo Pumped Storage 1, LLC*, 186 FERC ¶ 61,120 (2024).

of receipt and opportunity to comment on these applications.

**DATES:** Comments must be received on or before March 28, 2024.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2024-0058, through the *Federal eRulemaking Portal* at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting and visiting the docket, along with more information about dockets generally, is available at <https://www.epa.gov/dockets>.

#### FOR FURTHER INFORMATION CONTACT:

Madison H. Le, Biopesticides and Pollution Prevention Division (BPPD) (7511M), main telephone number: (202) 566-1400, email address: [BPPDFRNotices@epa.gov](mailto:BPPDFRNotices@epa.gov); or Dan Rosenblatt, Registration Division (RD) (7505T), main telephone number: (202) 566-2875, email address: [RDFRNotices@epa.gov](mailto:RDFRNotices@epa.gov). The mailing address for each contact person is Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each application summary.

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

###### A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).

###### B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through [regulations.gov](https://www.regulations.gov) or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that

you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at <https://www.epa.gov/dockets/commenting-epa-dockets>.

## II. Registration Applications

EPA has received applications to register pesticide products containing active ingredients not included in any currently registered pesticide products. Pursuant to the provisions of FIFRA section 3(c)(4) (7 U.S.C. 136a(c)(4)), EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision by the Agency on these applications. For actions being evaluated under EPA's public participation process for registration actions, there will be an additional opportunity for public comment on the proposed decisions. Please see EPA's public participation website for additional information on this process (<https://www2.epa.gov/pesticide-registration/public-participation-process-registration-actions>).

### New Active Ingredients

1. *File Symbol:* 84059-GL. *Docket ID number:* EPA-HQ-OPP-2023-0143. *Applicant:* Marrone Bio Innovations, Inc., 1540 Drew Ave., Davis, CA 95618. *Product name:* MBI-306 TGAI. *Active ingredient:* Insecticide, miticide, nematocide, and fungicide—Inactivated *Burkholderia rinojensis* A396 cells and spent fermentation media at 100%. *Proposed use:* For manufacturing use. *Contact:* BPPD.

2. *File Symbol:* 84059-GU. *Docket ID number:* EPA-HQ-OPP-2023-0143. *Applicant:* Marrone Bio Innovations, Inc., 1540 Drew Ave., Davis, CA 95618. *Product name:* MBI-306 EP. *Active ingredient:* Insecticide, miticide, nematocide, and fungicide—Inactivated *Burkholderia rinojensis* A396 cells and spent fermentation media at 94.46%. *Proposed use:* For indoor and outdoor agricultural use on crops and ornamentals, seed treatment, and indoor

and outdoor residential use. *Contact:* BPPD.

3. *File Symbol:* 95213-RA. *Docket ID number:* EPA-HQ-OPP-2023-0650. *Applicant:* Indigo Ag, Inc., 500 Rutherford Ave., Charlestown, MA 02129. *Product name:* Indigo 451 FP. *Active ingredient:* Fungicide—*Trichoderma hamatum* strain SYM37537 at 15%. *Proposed use:* For use as a seed treatment to protect against and control fungal diseases on food crops. *Contact:* BPPD.

4. *File Symbol:* 95213-RL. *Docket ID number:* EPA-HQ-OPP-2023-0650. *Applicant:* Indigo Ag, Inc., 500 Rutherford Ave., Charlestown, MA 02129. *Product name:* *Trichoderma hamatum* strain SYM37537 Technical. *Active ingredient:* Fungicide—*Trichoderma hamatum* strain SYM37537 at 100%. *Proposed use:* For manufacturing use in a seed treatment pesticide product. *Contact:* BPPD.

**Authority:** 7 U.S.C. 136 *et seq.*

Dated: February 13, 2024.

**Delores Barber,**

*Director, Information Technology and Resources Management Division, Office of Program Support.*

[FR Doc. 2024-03893 Filed 2-26-24; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-11737-01-OAR]

### California State Nonroad Engine Pollution Control Standards; In-Use Locomotive Regulation; Requests for Authorization; Opportunity for Public Hearing and Comment

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of opportunity for public hearing and comment.

**SUMMARY:** The California Air Resources Board (CARB) has notified the EPA that it has adopted its In-Use Locomotive Regulation. By letter dated November 7, 2023, CARB requested that the EPA authorize the In-Use Locomotive Regulation pursuant to section 209(e) of the Clean Air Act (CAA). This notice announces that the EPA will hold a public hearing to consider California's authorization request and that the EPA is now accepting written comments on the request.

#### DATES:

*Comments:* Written comments must be received on or before April 22, 2024.

*Public Hearing:* The EPA will hold a public hearing on March 20, 2024. See **SUPPLEMENTARY INFORMATION** for further

information on the virtual public hearing and registration. Additional information regarding the virtual public hearing and this action can be found at: <https://www.epa.gov/regulations-emissions-vehicles-and-engines/virtual-public-hearing-californias-use-locomotive>.

#### ADDRESSES:

*Comments:* You may submit your comments, identified by Docket ID No. EPA-HQ-OAR-2023-0574 by any of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov> (our preferred method). Follow the online instructions for submitting comments.
- *Email:* [a-and-r-docket@epa.gov](mailto:a-and-r-docket@epa.gov).
- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center, OAR, Docket EPA-HQ-OAR-2023-0574, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.

- *Hand Delivery or Courier (by scheduled appointment only):* EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center's hours of operations are 8:30 a.m.–4:30 p.m., Monday–Friday (except federal holidays).

*Instructions:* All submissions received must include the Docket ID No. for this action. Comments received may be posted without change to <https://www.regulations.gov>, including any personal information provided. For detailed instructions on sending comments and additional information on the process for this action, see the "Public Participation" heading of the **SUPPLEMENTARY INFORMATION** section of this document. For the full EPA public comment policy, information about confidential business information (CBI) or multimedia submissions, and general guidance on making effective comments, please visit: <http://www.epa.gov/dockets/commenting-epa-dockets>.

*Public Hearing:* The virtual public hearing will be held on March 20, 2024. The hearing will begin at 10 a.m. eastern daylight time and will end when all parties who wish to speak have had an opportunity to do so. All hearing attendees (including even those who do not intend to provide testimony) should register for the public hearing March 13, 2024. Information on how to register for the virtual hearing can be found at <https://www.epa.gov/regulations-emissions-vehicles-and-engines/virtual-public-hearing-californias-use-locomotive>.

**FOR FURTHER INFORMATION CONTACT:** David Dickinson, Office of

Transportation and Air Quality, U.S. Environmental Protection Agency; Telephone number: (202) 343-9256; Email address: [dickinson.david@epa.gov](mailto:dickinson.david@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. CARB's Authorization Request

CARB's November 7, 2023, letter to the EPA Administrator notified the EPA that CARB had finalized its In-Use Locomotive Regulation.<sup>1</sup> The In-Use Locomotive Regulation, adopted by the Board on April 27, 2023, (approved by California's Office of Administrative Law (OAL) on October 27, 2023, and becoming effective on January 1, 2024) contains several provisions that apply to any locomotive operator that operates a locomotive in the State of California or to a delegate of that operator and applies only to locomotives and locomotive engines placed into service in California and only to an operator or delegate's operations inside California.<sup>2</sup> The explanation of the In-Use Locomotive Regulation provided below is based on CARB's description of its regulation and is not an exhaustive list of the requirements (interested parties are encouraged to review CARB's rulemaking record contained in its authorization request and found in the EPA's docket associated with the review of the authorization request).

The In-Use Locomotive Regulation includes a "Spending Account" provision, whereby annually, for each locomotive operated in California, locomotive operators are required to deposit funds into a Spending Account. The account operates as a restricted trust, held by the locomotive operator, with the funds able to be withdrawn for specific uses described within the regulation.<sup>3</sup>

The In-Use Locomotive Regulation also includes an "In-Use Locomotive Operational Requirement" that according to CARB starts January 1, 2030, and allows only locomotives with an original engine build date less than 23 years old to operate in California excepting locomotives that meet the current cleanest EPA Tier (currently Tier 4) of emission standards for a locomotive of its type, that are operated in a Zero Emission (ZE) configuration

while in California,<sup>4</sup> or that satisfy other specified conditions. CARB's authorization request notes that if a locomotive has been remanufactured or repowered to a Tier 4 or cleaner emissions standard prior to January 1, 2030, the original engine build date will be based on the first year the locomotive was remanufactured to the Tier 4 or cleaner standard.<sup>5</sup>

As an alternative to the spending account and the operational requirements, the In-Use Locomotive Regulation includes an "Alternative Compliance Plan (ACP)" provision that allows regulated locomotive operators to comply with the Spending Account and/or In-Use Operational Requirements using a project or projects that achieve equivalent emissions reductions within three miles of the operators' locomotive activities within California.<sup>6</sup>

The In-Use Locomotive Regulation includes an idling requirement. According to CARB, locomotive "operators must ensure that an Automatic Engine Stop Start (AESS) equipped locomotive is shut off no more than 30 minutes after the locomotive becomes stationary. A locomotive may only exceed 30 minutes of idling for the following reasons: to prevent engine damage such as to prevent the engine coolant from freezing; to maintain air pressure for brakes or starter system, or to recharge the locomotive battery; to perform necessary maintenance; or to otherwise comply with federal or state regulations."<sup>7</sup>

CARB's regulation also imposes registration, reporting and recordkeeping requirements on locomotive operators for all locomotive activity in California. Locomotive operators are required to register all locomotives operating within the State by July 1, 2026.<sup>8</sup>

CARB's authorization request also includes a description of compliance exemptions and extensions that are provided to locomotive operators for enhanced flexibility to comply with the Spending Account and In-Use Operational Requirements.<sup>9</sup>

##### II. Scope of Preemption and Criteria for an Authorization Under the Clean Air Act

Section 209(e)(1) of the CAA prohibits all states and local governments from adopting or attempting to enforce any standard or other requirement relating to the control of emissions from certain types of new nonroad engines or nonroad vehicles, including both "(A) New engines which are used in construction equipment or vehicles or used in farm equipment or vehicles and which are smaller than 175 horsepower" and "(B) New locomotives or new engines used in locomotives."<sup>10</sup> Section 209(e)(2)(A) of the CAA, however, requires the Administrator, after notice and opportunity for public hearing, to authorize California to adopt and enforce standards and other requirements relating to the control of emissions from nonroad engines and vehicles otherwise not prohibited under section 209(e)(1) if California determines that California standards will be, in the aggregate, at least as protective of public health and welfare as are applicable Federal standards. However, the EPA shall not grant such authorization if it finds that (1) the determination of California is arbitrary and capricious; (2) California does not need such California standards to meet compelling and extraordinary conditions; or (3) California standards and accompanying enforcement procedures are not consistent with [CAA section 209].<sup>11</sup>

On July 20, 1994, the EPA promulgated a rule that sets forth, among other things, regulations providing the criteria, as found in section 209(e)(2)(A), that the EPA must consider before granting any California authorization request for nonroad engine or vehicle emission standards.<sup>12</sup> The EPA revised these regulations in 1997.<sup>13</sup> As stated in the preamble to the 1994 rule, the EPA has historically interpreted the section 209(e)(2)(A)(iii) "consistency" inquiry to require, at minimum, that California standards and enforcement procedures be consistent with section 209(a), section 209(e)(1), and section 209(b)(1)(C) (as the EPA has interpreted that subsection in the context of section 209(b) motor vehicle waivers).<sup>14</sup> In addition, on November 8, 2023, the EPA revised the regulatory language regarding the scope of

<sup>1</sup> Title 13, California Code of Regulations, section 2478.

<sup>2</sup> CARB's Authorization Support Document at 3-4 (EPA Docket: EPA-HQ-OAR-2023-0574). A full description of CARB's In-Use Locomotive Regulation can be found in the Authorization Support Document submitted by CARB along with associated attachments that can be found in the EPA docket for this matter.

<sup>3</sup> CARB's Authorization Support Document at 4-5.

<sup>4</sup> CARB explains the ZE Configuration concept in its Authorization Support Document at 4 ("an operational configuration for the locomotive that emits no pollution, regardless of whether the locomotive might emit pollution when operated differently").

<sup>5</sup> CARB Authorization Support Document at 5-6.

<sup>6</sup> *Id.* at 6.

<sup>7</sup> *Id.* at 7.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at 8.

<sup>10</sup> 42 U.S.C. 7543(e)(1).

<sup>11</sup> 42 U.S.C. 7543(e)(2)(A).

<sup>12</sup> 59 FR 36969 (July 20, 1994).

<sup>13</sup> 62 FR 67733 (December 30, 1997). The preemption regulations were later transcribed at 40 CFR part 1074; see 73 FR 59034 (Oct. 8, 2008).

<sup>14</sup> 59 FR 36969 (July 20, 1994).

preemption pertaining to locomotives within section 209(e)(1)(B).<sup>15</sup> The action taken in the rulemaking was to align the scope of preemption applicable to new locomotives and new engines used in locomotives to be the same as the scope of preemption for other new nonroad engines and vehicles preempted within section 209(e)(1)(A). The scope of preemption applicable to new locomotives can be found at 40 CFR 1074.10, and the criteria for granting California authorization requests can be found at 40 CFR 1074.105. Provisions pertaining to the adoption of California nonroad standards by other states can be found at 40 CFR 1074.110.

In order to be consistent with section 209(a), California's nonroad standards and enforcement procedures must not apply to new motor vehicles or new motor vehicle engines. To be consistent with section 209(e)(1), California's nonroad standards and enforcement procedures must not attempt to regulate engine categories that are permanently preempted from state regulation (such as "...any standard or other requirement relation to the control of emissions from ... (B) New locomotives or new engines used in locomotives."). To determine consistency with section 209(b)(1)(C), EPA typically reviews nonroad authorization requests under the same "consistency" criteria that are applied to motor vehicle waiver requests. Pursuant to section 209(b)(1)(C), the Administrator shall not grant California a motor vehicle waiver if she finds that California "standards and accompanying enforcement procedures are not consistent with section 202(a)" of the Act. Previous decisions granting waivers and authorizations have noted that state standards and enforcement procedures are inconsistent with section 202(a) if: (1) there is inadequate lead time to permit the development of the necessary technology giving appropriate consideration to the cost of compliance within that time, or (2) the federal and state testing procedures impose inconsistent certification requirements.<sup>16</sup>

### III. EPA's Request for Comments

We request comment on whether California's In-Use Locomotive Regulation meets the criteria for an EPA authorization. Specifically, we request

comment on: (a) whether CARB's determination that its standards, in the aggregate, are at least as protective of public health and welfare as applicable federal standards is arbitrary and capricious, (b) whether California needs such standards to meet compelling and extraordinary conditions, and (c) whether California's standards and accompanying enforcement procedures are consistent with section 209 of the Act. As explained above, the EPA considers several provisions with regard to the consistency with section 209 of the Act criterion.

### IV. Procedures for Public Participation

The virtual public hearing will be held on March 20, 2024. The hearing will begin at 10 a.m. eastern daylight time. All hearing attendees (including those who do not intend to provide testimony and merely listen) should register for the public hearing at: <https://www.epa.gov/regulations-emissions-vehicles-and-engines/virtual-public-hearing-californias-use-locomotive>.

Those seeking to register should do so by March 13, 2024. If you require the services of a translator or special accommodations such as American Sign Language, please pre-register for the hearing and describe your needs by March 13, 2024. The EPA may not be able to arrange accommodations without advance notice. Please note that any updates made to any aspect of the hearing will be posted online at: <https://www.epa.gov/regulations-emissions-vehicles-and-engines/virtual-public-hearing-californias-use-locomotive>. While the EPA expects the hearing to go forward as set forth above, please monitor the website or contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to determine if there are any updates. The EPA does not intend to publish a document in the **Federal Register** announcing updates.

Each commenter will have 3 minutes to provide oral testimony. The EPA may ask clarifying questions during the oral presentations but will not respond to the presentations at that time. The EPA recommends submitting the text of your oral comments as written comments to the docket for this action. Written statements and supporting information submitted during the comment period will be considered with the same weight as oral comments and supporting information presented at the public hearing. The Agency will make a verbatim record of the proceedings at the hearing that will be placed in the docket. The EPA will keep the record open until April 22, 2024. After expiration of the comment period, the

Administrator will render a decision on CARB's request based on the record of the public hearing, relevant written submissions, and other information that he deems pertinent.

**Karl Simon,**

*Director, Transportation Climate Division,  
Office of Transportation and Air Quality.*

[FR Doc. 2024-03955 Filed 2-26-24; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-11758-01-R3]

### Clean Air Act Operating Permit Program; Order on Petition for Objection to State Operating Permit for Covanta Delaware Valley LP, Delaware Valley Resource Recovery

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of final order on petition.

**SUMMARY:** The Environmental Protection Agency (EPA) Administrator signed an order dated November 2, 2023 granting in part and denying in part a petition dated June 23, 2023 from the Environmental Integrity Project, Clean Air Council, and Sierra Club. The petition requested that the EPA object to a Clean Air Act (CAA) title V operating permit issued by the Pennsylvania Department of Environmental Protection (PADEP) to Covanta Delaware Valley LP, Delaware Valley Resource Recovery for its waste-to-energy plant located in the City of Chester, Delaware County, Pennsylvania.

**FOR FURTHER INFORMATION CONTACT:** Paul Entwistle, Permits Branch, Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1600 John F. Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814-2343. Mr. Entwistle can also be reached via electronic mail at [entwistle.paul@epa.gov](mailto:entwistle.paul@epa.gov). The final order and petition are available electronically at: <https://www.epa.gov/title-v-operating-permits/title-v-petition-database>.

**SUPPLEMENTARY INFORMATION:** The EPA received a petition from the Environmental Integrity Project, Clean Air Council, and Sierra Club dated June 23, 2023, requesting that the EPA object to the issuance of operating permit no. 23-00004, issued by PADEP to Covanta Delaware Valley LP, Delaware Valley Resource Recovery in the City of Chester, Delaware County, Pennsylvania. On November 2, 2023, the EPA Administrator issued an order granting in part and denying in part the

<sup>15</sup> 88 FR 77004 (November 8, 2023). In this authorization action, the EPA is not reopening the locomotive preemption rulemaking from November 8, 2023. Any public comments on the rulemaking that are not germane to this authorization action may not be addressed in the EPA's final decision regarding CARB's authorization request.

<sup>16</sup> 78 FR 58090, 58092 (September 20, 2013).

petition. The order itself explains the bases for the EPA's decision.

Sections 307(b) and 505(b)(2) of the CAA provide that a petitioner may request judicial review of those portions of an order that deny issues in a petition. Any petition for review shall be filed in the United States Court of Appeals for the appropriate circuit no later than April 29, 2024.

**Cristina Fernández,**

*Air & Radiation Division Director, Region III.*

[FR Doc. 2024-04027 Filed 2-26-24; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2024-0088; FRL-11751-01-OCSPP]

### Pesticide Program Dialogue Committee; Notice of Public Meetings

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** Pursuant to the Federal Advisory Committee Act, the Environmental Protection Agency's (EPA's) Office of Pesticide Programs is announcing the dates for the 2024 meetings of the Pesticide Program Dialogue Committee (PPDC) on June 5 and 6, and November 13 and 14, 2024, respectively. These meetings are open to the public and will be held in person. Limited opportunities for virtual participation will be offered.

**DATES:** The Spring meeting will be held on Wednesday, June 5 and Thursday, June 6, 2024, from approximately 9 a.m. to 5 p.m. each day. Requests to participate in the Spring meeting must be received on or before May 31, 2024. The Fall meeting will be held on Wednesday, November 13 and Thursday, November 14, 2024, from approximately 9 a.m. to 5 p.m. each day. Requests to participate in the Fall meeting must be received on or before November 8, 2024.

To request accommodation of a disability, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

**ADDRESSES:** The meetings will be held at the U.S. Environmental Protection Agency at 1201 Constitution Avenue NW, Washington, DC 20004.

Links to register for each of the meetings will be available at <https://www.epa.gov/pesticide-advisory-committees-and-regulatory-partners/>

*pesticide-program-dialogue-committee-ppdc.*

#### FOR FURTHER INFORMATION CONTACT:

Jeffrey Chang, telephone number: (202) 566-2213, email address: [chang.jeffrey@epa.gov](mailto:chang.jeffrey@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

###### A. Does this action apply to me?

You may be potentially affected by this action if you work in agricultural settings or if you are concerned about implementation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136 *et seq.*); the Federal Food, Drug, and Cosmetic Act (FFDCA) (21 U.S.C. 301 *et seq.*); the Pesticide Registration Improvement Act (PRIA) (which amends FIFRA section 33); and the Endangered Species Act (ESA) (16 U.S.C. 1531 *et seq.*). Potentially affected entities may include but are not limited to: Agricultural workers and farmers; pesticide industry and trade associations; environmental, consumer, and farm worker groups; pesticide users and growers; animal rights groups; pest consultants; state, local, and tribal governments; academia; public health organizations; and the public. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

###### B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA-HQ-OPP-2024-0088, is available online at <https://www.regulations.gov>. The docket will also be available in person at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the EPA/DC, West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460-0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744.

For further information on EPA/DC services, docket contact information and the current status of the EPA/DC and Reading Room, please visit <https://www.epa.gov/dockets>.

The agenda and meeting materials will be available seven calendar days in advance of each meeting at <https://www.epa.gov/pesticide-advisory-committees-and-regulatory-partners/pesticide-program-dialogue-committee-ppdc>.

## II. Background

The PPDC is a federal advisory committee chartered under the Federal Advisory Committee Act (FACA), Public Law 92-463. EPA established the PPDC in September 1995 to provide policy advice, information and recommendations to the EPA Administrator through the Director of the Office of Pesticide Programs, Office of Chemical Safety and Pollution Prevention. The PPDC provides a public forum to discuss a wide variety of pesticide regulatory developments and reform initiatives, evolving public policy and program implementation issues associated with evaluating and risks from the use of pesticides.

### III. How can I request to participate in this meeting?

Please visit <https://www.epa.gov/pesticide-advisory-committees-and-regulatory-partners/pesticide-program-dialogue-committee-ppdc> to find a link to register to attend the meeting in person. The agenda and meeting materials will be available seven calendar days in advance of each meeting.

Requests to make brief oral comments to the PPDC during the meeting should be submitted to the individual listed under **FOR FURTHER INFORMATION CONTACT** on or before noon on the date set in the **DATES** section.

*Authority:* 5 U.S.C. Appendix 2 *et seq.* and 7 U.S.C. 136 *et seq.*

Dated: February 21, 2024.

**Edward Messina,**

*Director, Office of Pesticide Programs.*

[FR Doc. 2024-03966 Filed 2-26-24; 8:45 am]

**BILLING CODE 6560-50-P**

## EXPORT-IMPORT BANK

### Privacy Act of 1974; New System of Records

**AGENCY:** Export Import Bank of the United States.

**ACTION:** Notice of a new system of records.

**SUMMARY:** Pursuant to the Privacy Act of 1974, the Export Import Bank of the United States ("EXIM", "EXIM Bank", or "The Bank") is proposing a new system of records notice ("SORN")—EXIM Emergency Notification System. This new SORN will include the authorities for maintenance of the system, the purposes of the system, and the categories of entities and individuals covered by the system. The new system of records described in this notice, EXIM Emergency Notification System

using OnSolve Platform for Critical Event Management (PCEM), will collect information for current employees and contractors of the Bank for emergency notification, information technology alerting, and disaster recovery to support effective communication and management of critical alerts, and to keep EXIM employees and contractors safe, informed, assured, and productive during an event/incident or crisis.

**DATES:** The system of records described herein will become effective February 27, 2024. The deadline to submit comments on this system of records, as well as the date on which the below routine uses will become effective, will be 30 days after **Federal Register** publication.

**ADDRESSES:** You may submit written comments to EXIM Bank by any of the following methods:

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

- *Email:* [sorn.comments@exim.gov](mailto:sorn.comments@exim.gov). Refer to SORN in the subject line.

- *Mail or Hand Delivery:* Address letters to the Freedom of Information Act Office and the Office of Information Management and Technology, Export Import Bank of the United States, 811 Vermont Ave. NW, Washington, DC 20571.

Commenters are strongly encouraged to submit public comments electronically. EXIM Bank expects to have limited personnel available to process public comments that are submitted on paper through mail. Until further notice, any comments submitted on paper will be considered to the extent practicable. All submissions must include the agency's name (Export Import Bank of the United States, or EXIM Bank) and reference this notice. Comments received will be posted without change to EXIM Bank's website. Do not submit comments that include any Personally Identifiable Information (PII) or confidential business information. Copies of comments may also be obtained by writing to the Freedom of Information Act Office and the Office of Information Management and Technology, Export Import Bank of the United States, 811 Vermont Ave. NW, Washington, DC 20571.

**FOR FURTHER INFORMATION CONTACT:** The Office of the General Counsel, Administrative Law Group at [OGCAdminLaw@exim.gov](mailto:OGCAdminLaw@exim.gov) or 202-329-2052, or by going to EXIM Bank Privacy Act System of Records Notice. You may also contact Selma Hamilton, Director, Security Services at [Selma.Hamilton@exim.gov](mailto:Selma.Hamilton@exim.gov) or 202-565-3313.

**SUPPLEMENTARY INFORMATION:** The new system of records described in this notice, EXIM Emergency Notification System, will store certain information about employees and contractors of the Bank for emergency notification, information technology alerting, and disaster recovery to support effective communication and management of critical alerts, and to keep EXIM employees and contractors safe, informed, assured, and productive during an event/incident or crisis.

The report of a new system of records has been submitted to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Office of Management and Budget, pursuant to OMB Circular A-108, "Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act" (Dec. 2016), and the Privacy Act, 5 U.S.C. 552a(r).

**SYSTEM NAME AND NUMBER:**

System Name: EXIM Emergency Notification System.

System Number: N/A.

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

This electronic system will be used via a web interface and mobile application by the Export Import Bank of the United States, 811 Vermont Avenue NW, Washington, DC 20571. The physical location and technical operation of the system is at the FedRAMP Authorized Amazon Web Services (AWS) US East/West cloud services facility at 410 Terry Ave N, Seattle, WA 98109-5210.

**SYSTEM MANAGER(S):**

Selma Hamilton, Director, Security Services, EXIM Bank, 811 Vermont Avenue NW, Washington, DC 20571, [Selma.Hamilton@exim.gov](mailto:Selma.Hamilton@exim.gov), 202-565-3313.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Export-Import Bank Act of 1945, as amended (12 U.S.C. 635 *et seq.*).<sup>1</sup> 5 U.S.C. 301.

**PURPOSE(S) OF THE SYSTEM:**

The purpose of this system of records is to facilitate and enable EXIM to communicate with its employees and contractors ("Contacts") in a quick and efficient manner in critical events. EXIM utilizes EXIM Emergency Notification

System to ensure employee safety and business continuity, as well as swift disaster recovery during critical events. EXIM uses contact information of its employees and contractors (typically name, telephone number, email addresses and/or physical address, which is stored within OnSolve Platform for Critical Event Management (PCEM)) and use the system to communicate alerts using multiple modalities (including SMS, email, and voice collectively referred to herein as "alerts") to the Contacts at scale.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

The EXIM Emergency Notification System will contain information on EXIM current employees and contractors.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The EXIM Emergency Notification System will contain Personally Identifiable Information (PII) of EXIM current employees and contractors typically including, but not limited to name, telephone number, email addresses and/or physical address/location, and travel data such as dates and locations of travel captured through manual entry or an API (Application Programming Interface) from EXIM Travel Reservation Management system (Concur). This information will be necessary to enable EXIM to identify and communicate with EXIM staff and other persons having connections with EXIM ("Contacts" or "Recipients") in a quick and efficient manner to ensure employee safety and business continuity, as well as swift recovery during critical events.

**RECORD SOURCE CATEGORIES:**

The information in the system is obtained using one of three methods: (1) Active Directory (AD) user data will be used as the initial source of information for the database to create users, (2) additional user information will be entered by the user via the user account "opt-in" portal, and (3) data captured through manual entry or an API (Application Programming Interface) from EXIM Travel Reservation Management system (Concur). User accounts are created individually within the OnSolve portal or uploaded via SFTP from an Active Directory export using System Center Orchestrator (SCOrch).

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:**

In addition to those disclosures that are generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a

<sup>1</sup> More specifically, sections 635(a)(1) and 635a(j)(1)(C) of the Export-Import Bank Act of 1945, as amended.



portion of the records or information contained in this system may be disclosed to authorized entities, as is determined to be relevant and necessary, outside EXIM as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

1. Appropriate agencies, entities, and persons when (a) the Bank suspects or has confirmed that there has been a breach of the system of records; (b) the Bank has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Bank (including its information systems, programs, and operations), the Federal Government, or national security; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Bank's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

2. Another Federal agency or Federal entity, when the Bank determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (a) responding to a suspected or confirmed breach or (b) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

3. Congressional offices in response to an inquiry made at the request of the individual to whom the record pertains.

4. Contractors or other authorized individuals performing work on a contract, service, cooperative agreement, job, or other activity on behalf of the Bank or Federal Government and who have a need to access the information in the performance of their duties or activities.

5. The U.S. Department of Justice (DOJ) for its use in providing legal advice to the Bank or in representing the Bank in a proceeding before a court, adjudicative body, or other administrative body, where the use of such information by the DOJ is deemed by the Bank to be relevant and necessary to the advice or proceeding, and in the case of a proceeding, such proceeding names as a party in interest: (a) The Bank; (b) Any employee of the Bank in his or her official capacity; (c) Any employee of the Bank in his or her individual capacity where DOJ has agreed to represent the employee; or (d) The United States, where the Bank determines that litigation is likely to affect the Bank or any of its components.

6. A court, magistrate, or administrative tribunal during an administrative proceeding or judicial proceeding, including disclosures to opposing counsel or witnesses (including expert witnesses) during discovery or other pre-hearing exchanges of information, litigation, or settlement negotiations, where relevant and necessary to a proceeding, or in connection with criminal law proceedings.

7. Appropriate Federal, State, local, foreign, Tribal, or self-regulatory organizations or agencies responsible for investigating, prosecuting, enforcing, implementing, issuing, or carrying out a statute, rule, regulation, order, policy, or license if the record indicates a violation or a potential violation of civil or criminal law, rule, regulation, order, policy, or license.

#### **POLICIES AND PRACTICES FOR STORAGE OF RECORDS:**

The records are stored digitally in encrypted format in the OnSolve PCEM Amazon Web Services (AWS) FedRAMP authorized cloud environment. OnSolve PCEM encrypts EXIM's sensitive information (such as current employee or contractor first name, last name, and email address) at rest and stores it in the databases leveraging native AWS encryption including Database (DB) clusters, snapshots, underlying structure for DB clusters. Automated database backups are in place along with read replica. Native AWS encryption on storage level with an encrypted Elastic Block Storage (EBS) volume using Advanced Encryption Standard (AES)—256). For live data (not in a backup file) Elastic File System (EFS) is used. EXIM Emergency Notification System complies with EXIM policy which stipulates that sensitive data (such as routine reports) generated from EXIM Emergency Notification System must be stored on EXIM's storage system that is managed and protected by EXIM's Infrastructure General Support System administrative, technical, and physical controls.

#### **POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:**

Records may be retrieved by the system administrator using Contact's (EXIM employee and contractor) first name, last name, work email address, as well as non-key attributes such as location (e.g., Headquarters or Regional Offices), to identify lists of potentially impacted contacts with a nexus to a critical event. Information may additionally be retrieved by other personal identifiers by user account maintenance programs within the

application. The administrator runs routine reports and reviews analytics that include user unique identifiers such as name and phone number, etc. Reports can be filtered using a personal identifier (*i.e.*, reports can be generated to indicate who responded to a notification message).

#### **POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:**

Records are archived/disposed of during the routine data sync for individuals who are no longer employees or contractors of EXIM. Otherwise, records are maintained and destroyed in accordance with the National Archives and Record Administration's ("NARA") Basic Laws and Authorities (44 U.S.C. 3301, *et seq.*) or an EXIM Bank records disposition schedule approved by NARA.

#### **ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:**

Information will be stored in electronic format within the OnSolve PCEM Cloud Service Provider (CSP) Amazon Web Service (AWS). EXIM Emergency Notification System has configurable, layered user accounts and permissions features to ensure users have only the amount of access necessary to perform their duties. Access to EXIM Emergency Notification System is restricted to EXIM current employees and contractors for emergency notification, information technology alerting, and disaster recovery to support effective communication. OnSolve PCEM users use HTTPS through CloudFlare DNS to access the application using an internet Browser. EXIM AD Data daily sync is performed using SFTP one direction initiated from EXIM only.

OnSolve PCEM personnel access the AWS US East/West OnSolve Platform CEM environment via VPN to meet FIPS 140-2 Cryptographic Module Validation Program requirements at <https://csrc.nist.gov/projects/cryptographic-module-validation-program>. Multi-factor authentication is implemented on personal mobile devices (only) for CSP administrators to authenticate. VPN Authentication occurs at the VPN located in the public subnet in the authorization boundary. After establishing the VPN connection, the administrator establishes an SSH connection to remote desktop into a Jump Host, within the Jump Host subnet. Personnel must supply their username and password provided by a dedicated Active Directory, specifically used for this AWS environment (*i.e.*, not the corporate Active Directory). If someone were to leave the organization



or no longer require access, that individual's jump host can be deleted. Jump Hosts authenticate against Vault (within a management services subnet in the OnSolve AWS cloud environment) to establish access. Vault checks Active Directory to validate the login information that has been provided by the user and returns an SSH-signed certificate token/key that expires after 12 hours. Vault also stores "secrets" to the environment. For example, all the database passwords for database users are stored in Vault. The Jump Host is allowed access into all other subnets for administrative purposes just as if the 12-hours token has not expired.

OnSolve PCEM, which is hosted in AWS as a Software-as-a-Service application, inherits all the administrative, technical, and physical controls offered by AWS and the EXIM Infrastructure General Support System.

OnSolve PCEM CSP is compliant with the Federal Risk and Authorization Management Program (FedRAMP). The PII information EXIM Emergency Notification System is encrypted and stored in AWS, and the Hypertext Transfer Protocol Secure (HTTPS) protocol and Security Assertion Markup Language (SAML) authentication is used to access EXIM Emergency Notification System.

#### RECORD ACCESS PROCEDURES:

Requests to access records under the Privacy Act must be submitted in writing and must be signed by the requestor. Requests should be addressed to the Freedom of Information Act Office and the Office of Information Management and Technology, Export Import Bank of the United States, 811 Vermont Ave. NW, Washington, DC 20571. The request must comply with the requirements of 12 CFR 404.14.

#### CONTESTING RECORD PROCEDURES:

Individuals seeking to contest and/or amend records under the Privacy Act must submit a request in writing. The request must be signed by the requestor and should be addressed to the Freedom of Information Act Office and the Office of Information Management and Technology, Export Import Bank of the United States, 811 Vermont Ave. NW, Washington, DC 20571. The request must comply with the requirements of 12 CFR 404.14.

#### NOTIFICATION PROCEDURES:

Individuals wishing to determine whether this system of records contains information about them may do so by submitting a written request to the Freedom of Information Act Office and

the Office of Information Management and Technology, Export Import Bank of the United States, 811 Vermont Ave. NW, Washington, DC 20571. The written request must include the following:

- Name
- Type of information requested
- Address to which the information should be sent, and
- Signature

#### EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

#### HISTORY:

None.

Lin Zhou,

IT Specialist.

[FR Doc. 2024-03908 Filed 2-26-24; 8:45 am]

BILLING CODE 6690-01-P

### FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-1033; FR ID 204674]

#### Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice and request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to

any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

**DATES:** Written PRA comments should be submitted on or before April 29, 2024. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all PRA comments to Nicole Ongele, FCC, via email [PRA@fcc.gov](mailto:PRA@fcc.gov) and to [nicole.ongele@fcc.gov](mailto:nicole.ongele@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** For additional information about the information collection, contact Nicole Ongele, (202) 418-2991.

#### SUPPLEMENTARY INFORMATION:

*OMB Control Number:* 3060-1033.

*Title:* Multi-Channel Video Program Distributor EEO Program Annual Report, FCC Form 396-C.

*Form Number:* FCC-396-C.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Business or other for-profit entities, Not-for-profit institutions.

*Number of Respondents and Responses:* 603 respondents; 763 responses.

*Estimated time per Response:* 10 minutes-2.5 hours.

*Frequency of Response:* Recordkeeping requirement; Once every five year reporting requirement; Annual reporting requirement.

*Obligation to Respond:* Required to obtain benefits. The statutory authority for this collection of information is contained in Section 154(i) and 303 and 634 of the Communications Act of 1934, as amended.

*Total Annual Burden:* 970 hours.

*Total Annual Cost:* No Cost.

*Needs and Uses:* The FCC Form 396-C is a collection device used to assess compliance with the Equal Employment Opportunity (EEO) program requirements of Multi-Channel Video Programming Distributors (MPVDs). It is publicly filed to allow interested parties to monitor a MPVD's compliance with the Commission's EEO requirements. As part of the in-depth MVPD investigation conducted once every five years via the Form 396-C Supplemental Investigation Sheet, MVPDs are required to submit their annual EEO public file report for the preceding year, which details various facts concerning their employment outreach efforts.

Federal Communications Commission.  
**Marlene Dortch,**  
*Secretary, Office of the Secretary.*  
 [FR Doc. 2024-04020 Filed 2-26-24; 8:45 am]  
**BILLING CODE 6712-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-1151; FR ID 204394]

### Information Collection Being Reviewed by the Federal Communications Commission

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice and request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

**DATES:** Written PRA comments should be submitted on or before April 29, 2024. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all PRA comments to Nicole Ongele, FCC, via email [PRA@fcc.gov](mailto:PRA@fcc.gov) and to [nicole.ongele@fcc.gov](mailto:nicole.ongele@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** For additional information about the information collection, contact Nicole Ongele, (202) 418-2991.

**SUPPLEMENTARY INFORMATION:** The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection

of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

*OMB Control Number:* 3060-1151.

*Title:* Sections 1.1411, 1.1412, 1.1415, and 1.1416 Pole Attachment Access and Dispute Resolution Requirements.

*Form Number:* FCC Form 5653.

*Type of Review:* Revision of a currently-approved collection.

*Respondents:* Business or other for-profit.

*Number of Respondents and*

*Responses:* 1,380 respondents; 165,009 responses.

*Estimated Time per Response:* 0.25-5 hours.

*Frequency of Response:* On-occasion reporting requirement, recordkeeping requirement, and third-party disclosure requirement.

*Obligation to Respond:* Mandatory or required to obtain or retain benefits.

Statutory authority for this information collection is contained in 47 U.S.C. 224.

*Total Annual Burden:* 120,980 hours.

*Total Annual Cost:* \$1,800.

*Needs and Uses:* The Commission is requesting Office of Management and Budget (OMB) approval for a revision to a currently approved information collection. In *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, Fourth Report and Order, FCC 23-109 (rel. December 15, 2023) (Order), the Commission adopted rules that implement the pole attachment requirements in section 224 of the Communications Act of 1934, as amended. The Order substantially revised 47 CFR 1.1411, redesignated existing 47 CFR 1.1415 as 47 CFR 1.1416, and added a new 47 CFR 1.1415.

Section 1.1411. In the Order, the Commission adopted regulations requiring utilities to share information about their poles with prospective telecommunications and cable attachers. The Commission created this requirement to help improve the attachment process and potentially reduce disputes, thus facilitating broadband deployment. Specifically, the Order requires utilities to provide to potential attachers, upon request, the information contained in their most recent cyclical pole inspection reports, or any intervening, periodic reports created before the next cyclical inspection, for the poles covered by a submitted attachment application, including whether any of the affected poles have been "red tagged" by the utility for replacement and the scheduled replacement date or timeframe (if any). For the purposes of this new transparency requirement, a

cyclical pole inspection report is any report that a utility creates in the normal course of its business that sets forth the results of the routine inspection of its poles during the utility's normal pole inspection cycle, while a periodic pole inspection report is any report that a utility creates in the normal course of its business that sets forth the results of the inspection of any of its poles outside the utility's normal pole inspection cycle.

When asking for information about the status of a utility's poles for a planned buildout, the attacher must submit its information request no earlier than contemporaneously with an attachment application. The utility will have ten business days to respond to the request. Where an attacher amends its application based on the information it receives from the utility, the utility will have the option to restart the 45-day period for responding to the application on the merits and conducting the required make-ready survey. Regardless of whether the utility elects to restart the 45-day response period, any additional survey costs necessitated by the amended application, such as a second survey after a survey for the original application has been completed, will be borne by the new attacher consistent with the new attacher's obligation to pay for make-ready costs associated with its application.

The Commission also required utilities to retain copies, in whatever form they were created, of any such cyclical or periodic pole inspection reports they conduct in the normal course of business, until such time as the utility completes a superseding cyclical pole inspection report covering the poles included in the attachment application. The Commission reiterated that utilities are required to provide only the information they already possess and track in the normal course of conducting pole inspections at the time of the attacher's request for data. The Commission did not require utilities to collect or create new information for the purpose of responding to such requests or to provide all information they may possess on the affected poles outside their pole inspection reports. The Commission found that adopting this limited requirement achieves a balance between a potential attacher's need for more information about the poles that it plans to use as part of a broadband buildout and the utility's interest in minimizing the burden of mandatory disclosures.

Section 1.1415. To expedite the resolution of pole attachment disputes that impede or delay active broadband

deployment projects, the Commission established the Rapid Broadband Assessment Team (RBAT), which will consist of one or more staff from the Commission's Enforcement Bureau and one or more staff from the Commission's Wireline Competition Bureau. The Commission created the RBAT in an effort to make the Commission's pole attachment dispute resolution process more responsive and adaptable with the goal of facilitating broadband deployment. The Order charged the RBAT with expediting the resolution of such disputes by swiftly engaging key stakeholders, gathering relevant information, distilling issues in dispute, and recommending to the parties, where appropriate, an abbreviated mediation process, placement of a complaint (or portion of a complaint) on the Commission's Accelerated Docket based on consideration of specified criteria, and/or any other action that the RBAT determines will help the parties resolve their dispute.

To request RBAT review and assessment of a dispute that a party to the dispute contends is impeding or delaying deployment of broadband facilities, the party must first notify the Chief of the Enforcement Bureau's Market Disputes Resolution Division (MDRD) of the request by phone and in writing. The MDRD Chief will direct the party to FCC Form 5653—Request for RBAT Review and Assessment—on the MDRD website and to instructions for completing and electronically transmitting the form to the RBAT. The form will elicit information relevant to the scope and nature of the dispute, and to whether the dispute is appropriate for expedited mediation and/or placement on the Accelerated Docket. The information submitted by a party on the FCC Form 5653 will assist the RBAT in efficiently reviewing and assessing the party's dispute and in providing guidance on the most effective means of resolving it. The RBAT also may request that one or both parties provide the RBAT with documentation or other information relevant to the dispute. After reviewing the parties' submissions, the RBAT will provide guidance and advice to the parties on the most effective means of resolving their dispute, including staff-supervised mediation, use of the Accelerated Docket, and/or other action.

Should the RBAT recommend staff-supervised mediation, it shall be conducted pursuant to 47 CFR 1.737, the requirements of which may be modified or waived as appropriate in this context or as needed in light of the facts or circumstances of a particular case. In the event that the parties are

unable to settle their dispute, and a prospective complainant seeks placement of its complaint on the Accelerated Docket, the RBAT will decide whether the complaint or a portion of the complaint is suitable for inclusion on the Accelerated Docket based on a totality of the factors listed in 47 CFR 1.1415(e).

Federal Communications Commission.

**Marlene Dortch,**

*Secretary, Office of the Secretary.*

[FR Doc. 2024-04019 Filed 2-26-24; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-0854; FR ID 204523]

### Information Collection Being Reviewed by the Federal Communications Commission

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice and request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

**DATES:** Written PRA comments should be submitted on or before April 29, 2024. If you anticipate that you will be

submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all PRA comments to Cathy Williams, FCC, via email to [PRA@fcc.gov](mailto:PRA@fcc.gov) and to [Cathy.Williams@fcc.gov](mailto:Cathy.Williams@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** For additional information about the information collection, contact Cathy Williams at (202) 418-2918.

### SUPPLEMENTARY INFORMATION:

*OMB Control Number:* 3060-0854.

*Title:* Section 64.2401, Truth-in-Billing Format, CC Docket No. 98-170 and CG Docket No. 04-208.

*Form Number:* N/A.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Business or other for-profit entities.

*Number of Respondents and*

*Responses:* 4,165 respondents; 26,711 responses.

*Estimated Time per Response:* 2 to 230 hours.

*Frequency of Response:* On occasion reporting requirement; Third party disclosure requirement.

*Obligation to Respond:* Required to obtain or retain benefits. The statutory authority for this information collection is found at section 201(b) of the Communications Act of 1934, as amended, 47 U.S.C. 201(b), and section 258, 47 U.S.C. 258, Public Law 104-104, 110 Stat. 56. The Commission's implementing rules are codified at 47 CFR 64.2400.

*Total Annual Burden:* 1,872,245 hours.

*Total Annual Cost:* \$10,000,000.

*Needs and Uses:* In 1999, the Commission released the Truth-in-Billing and Billing Format, CC Docket No. 98-170, First Report and Order and Further Notice of Proposed Rulemaking, (1999 TIB Order); published at 64 FR 34488, June 25, 1999, which adopted principles and guidelines designed to reduce telecommunications fraud, such as slamming and cramming, by making bills easier for consumers to read and understand, and thereby, making such fraud easier to detect and report. In 2000, Truth-in-Billing and Billing Format, CC Docket No. 98-170, Order on Reconsideration, (2000 Reconsideration Order); published at 65 FR 43251, July 13, 2000, the Commission, granted in part petitions for reconsideration of the requirements that bills highlight new service providers and prominently display inquiry contact numbers. On March 18, 2005, the Commission released Truth-in-Billing and Billing Format; National

Association of State Utility Consumer Advocates' Petition for Declaratory Ruling Regarding Truth-in-Billing, Second Report and Order, Declaratory Ruling, and Second Further Notice of Proposed Rulemaking, CC Docket No. 98–170, CG Docket No. 04–208, (2005 *Second Report and Order and Second Further Notice*); published at 70 FR 29979 and 70 FR 30044, May 25, 2005, which determined, inter alia, that Commercial Mobile Radio Service providers no longer should be exempted from 47 CFR 64.2401(b), which requires billing descriptions to be brief, clear, non-misleading and in plain language. The 2005 *Second Further Notice* proposed and sought comment on measures to enhance the ability of consumers to make informed choices among competitive telecommunications service providers. On April 27, 2012, the Commission released the Empowering Consumers to Prevent and Detect Billing for Unauthorized Charges (“Cramming”), Report and Order and Further Notice of Proposed Rulemaking, CG Docket No. 11–116, CG Docket No. 09–158, CC Docket No. 98–170, FCC 12–42 (*Cramming Report and Order and Further Notice of Proposed Rulemaking*); published at 77 FR 30972, May 24, 2012, which determined that additional rules are needed to help consumers prevent and detect the placement of unauthorized charges on their telephone bills, an unlawful and fraudulent practice commonly referred to as “cramming.”

Federal Communications Commission.

**Marlene Dortch,**

*Secretary, Office of the Secretary.*

[FR Doc. 2024–04018 Filed 2–26–24; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0647, OMB 3060–1003; FR ID 204644]

### Information Collections Being Submitted for Review and Approval to Office of Management and Budget

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice and request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the

following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it might “further reduce the information collection burden for small business concerns with fewer than 25 employees.” The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

**DATES:** Written comments and recommendations for the proposed information collection should be submitted on or before March 28, 2024.

**ADDRESSES:** Comments should be sent to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function. Your comment must be submitted into [www.reginfo.gov](http://www.reginfo.gov) per the above instructions for it to be considered. In addition to submitting in [www.reginfo.gov](http://www.reginfo.gov) also send a copy of your comment on the proposed information collection to Nicole Ongele, FCC, via email to [PRA@fcc.gov](mailto:PRA@fcc.gov) and to [Nicole.Ongele@fcc.gov](mailto:Nicole.Ongele@fcc.gov). Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collection, contact Nicole Ongele at (202) 418–2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) go to the web page <http://www.reginfo.gov/public/do/PRAMain>, (2) look for the section of the web page called “Currently Under Review,” (3) click on the downward-pointing arrow in the “Select Agency” box below the “Currently Under Review” heading, (4) select “Federal Communications Commission” from the list of agencies presented in the “Select Agency” box, (5) click the “Submit” button to the right of the “Select Agency” box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

**SUPPLEMENTARY INFORMATION:** As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal

Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission’s burden estimates; (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 the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might “further reduce the information collection burden for small business concerns with fewer than 25 employees.”

**OMB Control Number:** 3060–0647.

**Title:** Biennial Survey of Cable

Industry Prices, FCC Form 333.

**Form Number:** FCC Form 333.

**Type of Review:** Revision of a currently approved collection.

**Respondents:** Business or other for-profit entities; State, Local or Tribal Government.

**Number of Respondents and Responses:** 132 respondents and 722 responses.

**Estimated Time per Response:** 7 hours.

**Frequency of Response:** Biennial reporting requirement.

**Total Annual Burden:** 2,527 hours.

**Total Annual Cost:** None.

**Obligation to Respond:** Mandatory.

The statutory authority for this information collection is in Sections 4(i) and 623(k) of the Communications Act of 1934, as amended.

**Needs and Uses:** The Cable Television Consumer Protection and Competition Act of 1992 (“Cable Act”) requires the Commission to publish biennially a report on average rates for basic cable service, cable programming service, and equipment. The report must compare the prices charged by cable operators subject to effective competition and those that are not subject to effective competition. The Biennial Cable Industry Price Survey is intended to collect the data needed to prepare that report. The data from these questions are needed to complete this report.

**OMB Control Number:** 3060–1003.

**Title:** Communications Disaster Information Reporting System (DIRS).

**Form Number:** N/A.

**Type of Review:** Extension of a currently approved collection.

*Respondents:* Business or other for-profit; Not-for-profit institutions; State, Local or Tribal Government; Federal Government.

*Number of Respondents and Responses:* 400 respondents; 104,000 responses.

*Estimated Time per Response:* 1 hour–1.5 hours (average per response).

*Frequency of Response:* On occasion and Annual Reporting Requirements and Recordkeeping Requirements.

*Obligation to Respond:* Voluntary. Statutory authority for this collection is contained in sections 1, 4(i), 4(j), 4(o), 251(e)(3), 254, 301, 303(b), 303(g), 303(r), 307, 309(a), 309(j), 316, 332, and 403 of the Communications Act of 1934, as amended, and section 706 of the Telecommunications Act of 1996, 47 U.S.C. 151, 154(i)–(j) & (o), 251(e)(3), 254, 301, 303(b), 303(g), 303(r), 332, 403, and 1302.

*Total Annual Burden:* 16,320 hours.

*Total Annual Cost:* No Cost.

*Needs and Uses:* The Commission launched the Disaster Information Reporting System (DIRS) in 2007 pursuant to its mandate to promote the safety of life and property through the use of wire and radio communication as required by the Communications Act of 1934, as amended. DIRS is a voluntary, efficient, and web-based system that communications companies may use to report their infrastructure status during times of crisis (e.g., related to a disaster). DIRS uses a number of template forms tailored to different communications sectors (i.e., wireless, wireline, broadcast, and cable) to facilitate the entry of this information. To use DIRS, a company first inputs its emergency contact information. After this, they submit information using the template form appropriate for their communications sector. In a *Second Report and Order* adopted on March 18, 2021, as FCC 21–34, the Commission adopted rules allowing certain federal, state, and Tribal Nation agencies (Participating Agencies) to access to certain geographically relevant reports filed in the Commission's Disaster Information Reporting System (DIRS). The information collections and record keeping provisions adopted will allow Participating Agencies to apply for, and receive access to, DIRS report in the areas where they have jurisdiction. The collection will further enable these Participating Agencies, at their election, to share DIRS reports with qualified local agencies whose jurisdiction is affected by a disaster, while still maintaining the confidentiality of the substantive data. The changes to the data collections fields in the DIRS filings made by service providers will

further facilitate the ability of Participating Agencies to access those reports relevant to their specific geographies. Finally, the changes to the information collection and associated recordkeeping requirements, including retention by participating agencies of qualification forms submitted by local agency seeking access to DIRS data, as well as a list of which local agencies receive information from the Participating Agency, training materials setting clear parameters for the use of DIRS data, and a list of those persons granted DIRS account access, will enable auditing functions to ensure accountability in the use of DIRS information and immediate reporting of breaches of access or confidentiality protocols.

The Commission notes that the information sharing framework established in the Second Report and Order allows for access to be granted not only for DIRS, but also to the Commission's Network Outage Reporting System (NORS). We note that the process and requirements for Participating Agencies under this framework is identical, regardless of whether they seek access to NORS, DIRS, or both. Because the Commission anticipates that NORS and DIRS access will be requested together in most cases, it believes that the estimated burden hours and costs for Participating Agencies associated with DIRS access are fully included in the estimates that it has separately submitted as part of its collection on Part 4 of the Commission's Rules Concerning Disruptions to Communications, OMB Control No. 3060–0484. To avoid double-counting the estimated burden hours and costs associated with both collections, the Commission estimates the marginal cost of the Participating Agency aspect of this collection to be zero.

Federal Communications Commission.

**Marlene Dortch,**

*Secretary, Office of the Secretary.*

[FR Doc. 2024–04021 Filed 2–26–24; 8:45 am]

**BILLING CODE 6712–01–P**

## **FEDERAL COMMUNICATIONS COMMISSION**

**[FR ID 204163]**

### **Federal Advisory Committee Act; Communications Security, Reliability, and Interoperability Council**

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice of re-establishment of the Communications Security, Reliability, and Interoperability Council.

**SUMMARY:** The Federal Communications Commission (Commission) hereby announces that the Communications Security, Reliability, and Interoperability Council (hereinafter CSRIC or Council) will be re-established for a two-year period pursuant to the Federal Advisory Committee Act (FACA) following consultation with the Committee Management Secretariat, General Services Administration.

**FOR FURTHER INFORMATION CONTACT:** Suzon Cameron, Designated Federal Officer, Federal Communications Commission, Public Safety and Homeland Security Bureau, (202) 418–1916 or email: [suzon.cameron@fcc.gov](mailto:suzon.cameron@fcc.gov), Kurian Jacob, Deputy Designated Federal Officer, Federal Communications Commission, Public Safety and Homeland Security Bureau, (202) 418–2040 or email: [kurian.jacob@fcc.gov](mailto:kurian.jacob@fcc.gov), Logan Bennett, Deputy Designated Federal Officer, Federal Communications Commission, Public Safety and Homeland Security Bureau, (202) 418–7790 or email: [logan.bennett@fcc.gov](mailto:logan.bennett@fcc.gov).

**SUPPLEMENTARY INFORMATION:** After consultation with the General Services Administration, the Commission intends to re-establish the charter on or before March 26, 2024, providing the Council with authorization to operate for two years. The purpose of the Council is to advise the Commission and to make recommendations that foster the security, reliability, and interoperability of communications systems.

### **Advisory Committee**

The CSRIC will be organized under, and will operate in accordance with, the provisions of the Federal Advisory Committee Act (FACA) (5 U.S.C. 10). The Council will be solely advisory in nature. Consistent with FACA and its requirements, each meeting of the Council will be open to the public unless otherwise noticed. A notice of each meeting will be published in the **Federal Register** at least fifteen (15) days in advance of the meeting. Records will be maintained of each meeting and made available for public inspection. All activities of the Committee will be conducted in an open, transparent, and accessible manner. The Committee shall terminate two (2) years from the filing date of its charter, or earlier upon the completion of its work as determined by the Chairperson of the FCC, unless its charter is renewed prior to the termination date.

During the CSRIC's next term, it is anticipated that it will meet in Washington, DC, approximately four (4)

times a year. The first meeting will be described in a Public Notice issued and published in the **Federal Register** at least fifteen (15) days prior to the first meeting date. In addition, as needed, working groups or subcommittees (ad hoc or steering) will be established to facilitate the Committee's work between meetings of the full Council. Meetings of the Council will be fully accessible to individuals with disabilities.

Federal Communications Commission.

**Marlene Dortch,**

*Secretary, Office of the Secretary.*

[FR Doc. 2024-03958 Filed 2-26-24; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL MARITIME COMMISSION

[Docket No. FMC-2024-0005]

### Controlled Carriers Under the Shipping Act of 1984

**AGENCY:** Federal Maritime Commission.

**ACTION:** Notice.

**SUMMARY:** The Federal Maritime Commission is publishing an updated list of controlled carriers, *i.e.*, ocean common carriers operating in U.S.-foreign trades that are, or whose operating assets are, directly or indirectly owned or controlled by foreign governments. Such carriers are subject to increased regulatory oversight by the Commission.

**FOR FURTHER INFORMATION CONTACT:** David Eng, Secretary; Phone: (202) 523-5725; Email: [secretary@fmc.gov](mailto:secretary@fmc.gov).

**SUPPLEMENTARY INFORMATION:** The Federal Maritime Commission is updating the list of controlled carriers to add an entity that qualifies as a controlled carrier, and to remove an entity that no longer qualifies as a controlled carrier. The Shipping Act of 1984, as amended (Shipping Act), defines a "controlled carrier" as an ocean common carrier that is, or whose operating assets are, directly or indirectly owned or controlled by a government. 46 U.S.C. 40102(9). Ownership or control by a government is deemed to exist for a carrier if (1) a majority of the interest in the carrier is owned or controlled in any manner by that government, an agency of that government, or a public or private person controlled by that government, or (2) that government has the right to appoint or disapprove the appointment of a majority of the directors, the chief operating officer, or the chief executive officer of the carrier. *Id.*; 46 CFR 565.2(a).

As required by the Shipping Act, controlled carriers are subject to

enhanced oversight by the Commission. For example, 46 U.S.C. 40701(b) provides that the Commission may, after providing notice and opportunity for a hearing, prohibit the publication or use of a rate, charge, classification, rule, or regulation that a controlled carrier has failed to demonstrate is just and reasonable. *See* 46 U.S.C. 40701(b). In addition, 46 U.S.C. 40502(f) provides that in an action for a breach of a service contract, the dispute resolution forum cannot in any way be controlled by or affiliated with a controlled carrier or by the government that owns or controls the carrier. *See* 46 U.S.C. 40502(f). Congress enacted these protections to ensure that controlled carriers, whose marketplace decision making can be influenced by foreign governmental priorities or by their access to non-market sources of capital, do not engage in unreasonable below-market pricing practices which could disrupt trade or harm privately-owned shipping companies.

The controlled carrier list is not a comprehensive list of foreign-owned or controlled ships or ship owners; rather, it is only a list of ocean common carriers that are controlled by governments. *See* 46 U.S.C. 40102(9). Thus, tramp operators and other non-common carriers are not included, nor are non-vessel-operating common carriers, regardless of their ownership or control.

The controlled carrier list was last updated on April 30, 2019. *See* 84 FR 18284. This notice revises the list to add Hede (HONGKONG) International Shipping Limited as a controlled carrier. This notice also revises the list to reflect that COSCO Shipping Lines (Europe) GmbH is no longer providing common carriage in the United States trades and is therefore no longer a controlled carrier. There are no changes to report with respect to the remaining controlled carriers.

It is requested that any other information regarding possible omissions or inaccuracies in this list be provided to the Commission's Office of the General Counsel at [generalcounsel@fmc.gov](mailto:generalcounsel@fmc.gov). *See* 46 CFR 501.12.

The amended list of currently classified controlled carriers and their corresponding Commission-issued Registered Persons Index numbers is set forth below:

(1) COSCO SHIPPING Lines Co., Ltd. (RPI No. 015614)—People's Republic of China;

(2) Orient Overseas Container Line Limited (RPI No. 011398)—People's Republic of China;

(3) OOCL (Europe) Limited (RPI No. 024786)—People's Republic of China;

(4) Hede (HONGKONG) International Shipping Limited (RPI No. 033332)—People's Republic of China.

By the Commission.

**David Eng,**

*Secretary.*

[FR Doc. 2024-03990 Filed 2-26-24; 8:45 am]

BILLING CODE 6730-02-P

## FEDERAL MARITIME COMMISSION

[Docket No. 24-12]

### Notice of Filing of Complaint and Assignment; 20230930-DK-BUTTERFLY-1, Inc. F/K/A Bed Bath & Beyond Inc., Complainant, v. Evergreen Line Joint Service Agreement (FMC #011982) Consisting of Evergreen Marine Corp. (Taiwan) Ltd., Evergreen Marine (UK) Ltd., Italia Marittima SpA, Evergreen Marine (Hong Kong) Ltd., and Evergreen Marine (Singapore) Pte. Ltd., Respondents

Served: February 21, 2024.

Notice is given that a complaint has been filed with the Federal Maritime Commission (the "Commission") by 20230930-DK-BUTTERFLY-1, Inc. formerly known as Bed Bath & Beyond Inc. (the "Complainant") against Evergreen Line Joint Service Agreement (FMC #011982) consisting of Evergreen Marine Corp. (Taiwan) Ltd., Evergreen Marine (UK) Limited, Italia Marittima SpA, Evergreen Marine (Hong Kong) Ltd., and Evergreen Marine (Singapore) Pte. Ltd. (the "Respondents"). Complainant states that the Commission has subject matter jurisdiction over the complaint pursuant to 46 U.S.C. 41301 through 41309 and personal jurisdiction over the Respondents as each is an "ocean common carrier," as this term is defined by 46 U.S.C. 40102(18), that has entered into a "service contract," as this term is defined by 46 U.S.C. 40102(21), with the Complainant.

Complainant is a corporation existing under the laws of New York that was formerly known as Bed Bath & Beyond Inc. and a "shipper," as this term is defined by 46 U.S.C. 40102(23), for the purposes of the allegations of the complaint.

Complainant identifies Respondent Evergreen Line Joint Service Agreement (FMC #011982) as a vessel-operating ocean common carrier consisting of Evergreen Marine Corp. (Taiwan) Ltd., Evergreen Marine (UK) Limited, Italia Marittima SpA, Evergreen Marine (Hong Kong) Ltd., Evergreen Marine (Singapore) Pte. Ltd., and Evergreen Marine (Asia) Pte. Ltd.

Complainant identifies Respondent Evergreen Marine Corp. (Taiwan) Ltd. as a company existing under the laws of Taiwan with a principal place of business in Taipei City and as a vessel-operating ocean common carrier.

Complainant identifies Respondent Evergreen Marine (UK) Limited as a company existing under the laws of the United Kingdom with a principal place of business located in London, England and as a vessel-operating ocean common carrier.

Complainant identifies Respondent Italia Marittima SpA as a company existing under the laws of Italy with a principal place of business in Trieste, Italy and as a vessel-operating ocean common carrier.

Complainant identifies Respondent Evergreen Marine (Hong Kong) Ltd. as a company existing under the laws of Hong Kong with a principal place of business in Wan Chai, Hong Kong and as a vessel-operating ocean common carrier.

Complainant identifies Respondent Evergreen Marine (Singapore) Pte. Ltd. as a company existing under the laws of Singapore with a principal place of business in Southpoint, Singapore and as a vessel-operating ocean common carrier.

Complainant alleges that Respondents violated 46 U.S.C. 41102(c), 41104(a)(2), and 41104(a)(10) and 46 CFR 545.5. Complainant alleges these violations arose from a practice of systematically failing to meet service commitments, a requirement that extracontractual surcharges be paid prior to performance of service commitments, and an unreasonable assessment of demurrage and detention charges and the acts or omissions of the Respondents that led to this assessment.

An answer to the complaint must be filed with the Commission within 25 days after the date of service.

The full text of the complaint can be found in the Commission's electronic Reading Room at <https://www2.fmc.gov/readingroom/proceeding/24-11/>. This proceeding has been assigned to the Office of Administrative Law Judges. The initial decision of the presiding judge shall be issued by February 21, 2025, and the final decision of the Commission shall be issued by September 5, 2025.

David Eng,  
Secretary.

[FR Doc. 2024-03962 Filed 2-26-24; 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 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 March 13, 2024.

*A. Federal Reserve Bank of Dallas* (Karen Smith, Director, Mergers & Acquisitions) 2200 N Pearl Street, Dallas, Texas 75201-2272. Comments can also be sent electronically to [Comments.applications@dal.frb.org](mailto:Comments.applications@dal.frb.org):

1. *Deborah Ann Abbott, Sumner, Texas, and William Chance Abbott, Paris, Texas, each individually and together as a group acting in concert*; to retain voting shares of Texas Peoples National Bancshares, Inc., and thereby indirectly retain voting shares of Peoples Bank, both of Paris, Texas.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2024-04022 Filed 2-26-24; 8:45 am]

BILLING CODE P

## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval,

pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

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 the BHC Act (12 U.S.C. 1842(c)).

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 March 28, 2024.

*A. Federal Reserve Bank of Chicago* (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690-1414. Comments can also be sent electronically to [Comments.applications@chi.frb.org](mailto:Comments.applications@chi.frb.org):

1. *Bancorp of New Glarus, Inc., New Glarus, Wisconsin (Bancorp)*; to acquire First National Bank at Darlington, Darlington, Wisconsin (FNBD), through the merger of a newly formed subsidiary of Bancorp, Darlington Interim Bank, New Glarus, Wisconsin, with and into FNBD.

*B. Federal Reserve Bank of San Francisco* (Joseph Cuenco, Assistant Vice President) Formations, Transactions & Enforcement, 101 Market Street, San Francisco, California 94105-1579. Comments can also be sent electronically to: [sf.fisc.comments.applications@sfrb.org](mailto:sf.fisc.comments.applications@sfrb.org):

1. *Redemption Holding Company, Salt Lake City, Utah*; to become a bank holding company by acquiring Holladay Bank and Trust, Salt Lake City, Utah.



Board of Governors of the Federal Reserve System.

**Michele Taylor Fennell,**

*Deputy Associate Secretary of the Board.*

[FR Doc. 2024-04025 Filed 2-26-24; 8:45 am]

BILLING CODE P

## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000-0188; Docket No. 2024-0053; Sequence No. 5]

#### Information Collection; Combating Trafficking in Persons

**AGENCY:** Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, and the Office of Management and Budget (OMB) regulations, DoD, GSA, and NASA invite the public to comment on an extension concerning combating trafficking in persons. DoD, GSA, and NASA invite comments on: whether the proposed collection of information is necessary for the proper performance of the functions of Federal Government acquisitions, including whether the information will have practical utility; the accuracy of the estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. OMB has approved this information collection for use through June 30, 2024. DoD, GSA, and NASA propose that OMB extend its approval for use for three additional years beyond the current expiration date.

**DATES:** DoD, GSA, and NASA will consider all comments received by April 29, 2024.

**ADDRESSES:** DoD, GSA, and NASA invite interested persons to submit comments on this collection through <https://www.regulations.gov> and follow the instructions on the site. This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments. If there are difficulties

submitting comments, contact the GSA Regulatory Secretariat Division at 202-501-4755 or [GSARegSec@gsa.gov](mailto:GSARegSec@gsa.gov).

**Instructions:** All items submitted must cite OMB Control No. 9000-0188, Combating Trafficking in Persons. Comments received generally will be posted without change to <https://www.regulations.gov>, including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check [www.regulations.gov](https://www.regulations.gov), approximately two-to-three days after submission to verify posting.

**FOR FURTHER INFORMATION CONTACT:** Zenaida Delgado, Procurement Analyst, at telephone 202-969-7207, or [zenaida.delgado@gsa.gov](mailto:zenaida.delgado@gsa.gov).

#### SUPPLEMENTARY INFORMATION:

##### A. OMB Control Number, Title, and Any Associated Form(s)

OMB Control #9000-0188, Combating Trafficking in Persons.

##### B. Need and Uses

This clearance covers the information that offerors and contractors must submit to comply with the following Federal Acquisition Regulation (FAR) requirements:

##### 52.222-50, Combating Trafficking in Persons

**Notification.** Paragraph (d) of this clause requires contractors to notify the contracting officer and the agency Inspector General of—

- Any credible information they receive from any source that alleges a contractor employee, subcontractor, or subcontractor employee, or their agent has engaged in conduct that violates the policy in paragraph (b) of the clause 52.222-50; and

- Any actions taken against a contractor employee, subcontractor, subcontractor employee, or their agent pursuant to this clause.

**Compliance Plan and Annual Certification.** Paragraph (h) of the clause contains an additional requirement for contracts for supplies (other than commercially available off-the-shelf (COTS) items) to be acquired outside the United States and contracts for services to be performed outside the United States, with an estimated value exceeding \$550,000, where the contractor is to maintain a compliance plan during the performance of the contract. This compliance plan must include an awareness program, a process for employees to report activity inconsistent with the zero-tolerance policy, a recruitment and wage plan, a housing plan, and procedures to prevent

subcontractors from engaging in trafficking in persons.

- Contractors are required to provide the compliance plan to the contracting officer upon request.

- Contractors are required to submit a certification to the contracting officer annually after receiving an award, asserting that they have the required compliance plan in place and that there have been no abuses, or that appropriate actions have been taken if abuses have been found.

- For those subcontractors required to submit a certification (see next bullet on flow down), contractors shall require that submission prior to award of the subcontract and annually thereafter.

Portions of this clause flows down to all subcontractors. The requirements related to the compliance plan only flow down to subcontracts exceeding \$550,000 for supplies (other than COTS items) acquired and services performed outside the United States.

This clause applies to commercial acquisitions, except the portions related to the compliance plan do not apply to acquisitions of COTS items.

##### 52.222-56, Certification Regarding Trafficking in Persons Compliance Plan

This provision requires apparently successful offerors to submit a certification, prior to award, that they have implemented a compliance plan and that there have been no abuses, or that appropriate actions have been taken if abuses have been found.

The provision requires this certification for the portion of contracts exceeding \$550,000 for supplies (other than COTS items) acquired and services performed outside the United States.

This provision applies to commercial acquisitions, except acquisitions of COTS items.

**FAR 52.222-50, paragraph (d)—Notification.** The Government uses this notification of potential violations of trafficking in persons requirements to investigate and take appropriate action if a violation has occurred.

**FAR 52.222-50, paragraph (h)—Compliance Plan.** The Government uses the compliance plan to ascertain compliance with the Trafficking Victims Protection Act (22 U.S.C. 7104), Executive Order 13627, Strengthening Protections Against Trafficking in Persons in Federal Contracts dated September 25, 2012 (77 FR 60029, October 2, 2012) and title XVII of the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112-239, enacted January 2, 2013) or any other applicable law or regulation.

**FAR 52.222-50, paragraph (h) and FAR 52.222-56—Certification.** The



Government uses the certification to obtain reasonable assurance that the contractor and its subcontractors are aware of and complying with the requirements of the Executive Order and statute.

### C. Annual Burden

*Respondents/Recordkeepers:* 5,944.

*Total Annual Responses:* 11,778.

*Total Burden Hours:* 165,818. (27,194 reporting hours + 138,624 recordkeeping hours).

*Obtaining Copies:* Requesters may obtain a copy of the information collection documents from the GSA Regulatory Secretariat Division by calling 202-501-4755 or emailing [GSARegSec@gsa.gov](mailto:GSARegSec@gsa.gov). Please cite OMB Control No. 9000-0188, Combating Trafficking in Persons.

**Janet Fry,**

*Director, Federal Acquisition Policy Division,  
Office of Governmentwide Acquisition Policy,  
Office of Acquisition Policy, Office of  
Governmentwide Policy.*

[FR Doc. 2024-04041 Filed 2-26-24; 8:45 am]

**BILLING CODE 6820-EP-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

[30Day-24-1329]

### Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled “Promoting Adolescent Health through School-Based HIV/STD Prevention Reporting Templates” to the Office of Management and Budget (OMB) for review and approval. CDC previously published a “Proposed Data Collection Submitted for Public Comment and Recommendations” notice on October 23, 2023, to obtain comments from the public and affected agencies. CDC received no public comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) 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;

(b) Evaluate the accuracy of the agencies 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;

(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; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639-7570. Comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395-5806. Provide written comments within 30 days of notice publication.

### Proposed Project

Promoting Adolescent Health through School-Based HIV/STD Prevention Reporting Templates (OMB Control No. 0920-1329, Exp. 3/31/2024)—Revision—National Center for HIV, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

### Background and Brief Description

PS18-1807 Promoting Adolescent Health through School-Based HIV/STD Prevention was awarded August 1, 2018 with a five year project period. It has been extended into a sixth year, and is funded through the Division of Adolescent and School Health (DASH). Health behaviors during adolescence set the stage for behaviors and health into adulthood. In 2017, 40% of high school students in the U.S. had ever had sexual intercourse and 29% were currently sexually active. Among currently sexually active students, 46% did not use a condom, and 14% did not use any

method to prevent pregnancy the last time they had sexual intercourse. In 2016, young people aged 13–24 accounted for an estimated 21% of all new HIV diagnoses in the United States. Half of the nearly 20 million new STDs reported each year were among young people aged 15–24. Schools have direct contact with over 50 million students for at least six hours a day over 13 key years of their social, physical, and intellectual development. Schools can help understand and prevent adolescent risk for HIV, STD and teen pregnancy. Schools play an important role in HIV/STD prevention, and can influence students’ risk for HIV infection and other STD through parental engagement, health education, connection to physical and mental health services, and connecting youth to each other and important adults.

The PS18-1807 award supports implementation of activities at multiple levels of the education system to achieve health goals. School curricula, policies, and services are generally locally determined by local education agencies (LEA), or local school districts, with guidance from state education agencies (SEA). LEA and SEA both provide training, resources, and technical assistance to schools. SEA establish supportive state environments for local decision making about school policies and practices. LEA support implementation of school-based strategies through district level actions and decisions. Recognizing the importance of locally tailoring approaches, PS18-1807 uses priority schools within a district, or LEA, as a natural laboratory for working through program implementation details before scaling up—or diffusing—activities to all schools in a district. This approach supports close connections with decision-makers responsible for educational options and school environments at each of these levels. Additional support from organizations with specialized expertise and capacity for national reach will be used to increase the impact of SEA and LEA strategies. They provide a range of highly trained experts for professional development and technical assistance to advance HIV/STD prevention work.

CDC requests OMB approval for an Extension of one year to conduct three information collections titled, Promoting Adolescent Health through School-Based HIV/STD Prevention Reporting Templates. There are separate reporting templates and work plan templates for Component 1 reporting and for Component 2 reporting. Eighty (80) sites will be filling out the Component 1 reporting template and

work plan template; 25 sites will be filling out the Component 2 reporting template and the work plan template.

The Component 1 information collection uses a self-administered reporting template to assess surveillance activities conducted by recipient education and health agencies funded by the CDC/DASH under Component 1 of PS18–1807 Promoting Adolescent Health through School-Based HIV/STD Prevention. This data collection will provide DASH with data to generate internal reports that will identify successful and problematic surveillance areas. In addition, the information collection will allow DASH to determine if recipient agencies are completing the required activities of the NOFO on time, as well as identifying problems in implementation. With this information, DASH can ascertain if additional technical assistance is needed to help recipients improve their surveillance implementation if necessary. The reporting template will include questions on the following

topics: Youth Risk Behavior Survey completion and School Health Profiles (Profiles) completion. No personally identifiable information will be collected.

The Component 2 information collection uses a self-administered reporting template to assess HIV and STD prevention efforts conducted by local education agencies (LEA) funded by the CDC/DASH under Component 2 of PS18–1807 Promoting Adolescent Health through School-Based HIV/STD Prevention. This data collection will provide DASH with data to generate internal reports that will identify successful and problematic programmatic areas. In addition, both information collections will allow DASH to determine if recipient agencies are completing the required activities of the NOFO on time, as well as identifying problems in implementation. With this information, DASH can ascertain if additional technical assistance is needed to help recipients improve their program

implementation, if necessary. In addition, the findings will allow CDC to determine the potential impact of currently recommended strategies and make changes to those recommendations. The reporting template will include sections on the following topics: sexual health education (SHE), sexual health services (SHS), safe and supportive environments (SSE), and additional activities. No personally identifiable information will be collected.

The estimated burden per response ranges from eight hours for Component 1 to 14 hours for Component 2. Recipients will complete the reporting templates every six months and the work plan templates once a year under this approval. Annualizing the collection over one year results in an estimated annualized burden of 3,320 hours for respondents. There are no costs to respondents other than their time.

#### ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Surveillance recipients .....	Promoting Adolescent Health through School-Based HIV/STD Prevention—Component 1 Reporting Template and Work Plan.	80	3	8
Local education agency HIV prevention recipients.	Promoting Adolescent Health through School-Based HIV/STD Prevention—Component 2 Reporting Template and Work Plan (required programmatic activities work plan and professional development work plan).	25	4	14

**Jeffrey M. Zirger,**

*Lead, Information Collection Review Office, Office of Public Health Ethics and Regulations, Office of Science, Centers for Disease Control and Prevention.*

[FR Doc. 2024–03882 Filed 2–26–24; 8:45 am]

BILLING CODE 4163–18–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

[30Day–24–1331]

#### Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled “Heat-related

Changes in Cognitive Performance” to the Office of Management and Budget (OMB) for review and approval. CDC previously published a “Proposed Data Collection Submitted for Public Comment and Recommendations” notice on June 16, 2023 to obtain comments from the public and affected agencies. CDC did not receive comments related to the previous notice related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) 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;

(b) Evaluate the accuracy of the agencies 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;

(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; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy

of the information collection plan and instruments, call (404) 639-7570. Comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395-5806. Provide written comments within 30 days of notice publication.

### Proposed Project

Heat-related Changes in Cognitive Performance (OMB Control No. 0920-1331, Exp. 3/31/2024)—Revision—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

#### *Background and Brief Description*

NIOSH, under Public Law 91-173 as amended by Public Law 95-164 (Federal Mine Safety and Health Act of 1977), and Public Law 109-236 (Mine Improvement and New Emergency Response Act of 2006) has the responsibility to conduct research to improve working conditions and to prevent accidents and occupational diseases in U.S. mines. Heat strain is one of these occupational diseases and is an increasing problem among many industries, including mining. As mines expand into deeper and hotter environments, and as heat waves occur with increasing frequency and severity, heat strain among underground and surface miners is likely to increase. Not only can heat strain lead to heat illness, but studies have demonstrated associations between heat exposure and work injuries. Although the underlying mechanism between heat exposure and injury is not known, reduced cognitive function is likely contributory.

Despite the increasing importance of heat strain in mining, few studies have focused on heat strain among U.S. miners. The few studies that are available have demonstrated that miners often exceed a core body temperature of 38 °C during work activities, which is above the recommended threshold, but more information on frequency, duration, and intensity of elevated core body temperatures is needed in order to focus future heat strain research to better serve the mining industry.

In addition to determining the patterns of duration and intensity of

heat strain among U.S. miners, investigating the additional effects of heat strain beyond the risk of heat illness is an important step in improving miner health and safety. Studies have demonstrated associations between heat stress and cognitive deficits, but substantial inter- and intra-individual variability exists in the physiologic and cognitive responses to heat exposure. More information is needed about the most important factors (e.g., age, sex, chronic disease, fitness level, hydration) contributing to individual variability as well as interactions between these factors, because individual variability likely affects the usefulness of one-size-fits-all heat stress indices that are currently used in mining. Additionally, it is unclear which characteristics of core body temperature (e.g., absolute temperature thresholds vs. rising or falling temperatures vs rate of temperature change) are most associated with cognitive dysfunction. A better understanding of how individual variability and core body temperature relate to cognitive deficits would assist in developing strategies for screening and monitoring miners to mitigate or prevent heat strain. Therefore, this study aims to assess the following objectives: (1) Whether a core body temperature threshold exists at which cognitive performance begins to decline; (2) What factors most contribute to individual variability in cognitive and physiologic responses to heat; and (3) What patterns of duration and intensity of heat strain are most common among U.S. surface and underground miners.

To study these objectives, a dual-arm field and laboratory study will be conducted. The field study will be conducted at surface and underground mines. Data will be collected from miners working in warm or hot areas of participating mines. Participants will swallow temperature pills to measure core body temperature and will wear bio-harnesses to measure heart rate. Two 6-minute assessments will be taken during each shift. The assessments include questions on sleepiness and work tasks and a Psychomotor Vigilance Test (PVT) to assess vigilant attention and reaction time. An initial screening questionnaire as well as pre- and post-shift questionnaires will be used to obtain information on risk factors for heat strain and cognitive deficits. The purpose of collecting data at the field sites is to evaluate the frequency, duration, and intensity of heat strain by monitoring core body temperature and heart rate throughout two complete shifts, as well as to assess associations

between core body temperature and cognitive deficits.

The laboratory study will be conducted in an environmental chamber, in which environmental conditions can be highly controlled. Data will be collected from miners, construction workers, and firefighters. These three groups were chosen because of their risk of heat exposure and their proximity to the NIOSH laboratory where the study will be conducted. Participants will perform alternating resistance and aerobic exercises followed by brief surveys to evaluate sleepiness (Karolinska Sleepiness Scale), affect (Positive and Negative Affect Schedule), and fatigue. Following these surveys, two cognitive tests (PVT and N-back, which measures vigilance, working memory, and complex tracking) will be administered. Testing will occur at room temperature and in hot conditions to compare cognitive test results between conditions. Participants will swallow temperature pills and wear bio-harnesses to enable the collection of real-time core body temperature and heart rate data. An initial health screening questionnaire as well as additional questionnaires administered prior to each test will be used to ensure that participants are able to withstand the physical demands of testing and to provide information on factors that affect individual variability to heat tolerance. Additionally, a physical examination and fingerstick blood tests will be used for health screening. The purpose of collecting data in the environmental chamber is to compare physiologic and cognitive measurements at different core body temperatures to evaluate factors contributing to individual variability in cognitive and physiologic responses to heat and to evaluate whether core body temperature thresholds exist above which cognitive deficits are observed.

We are requesting an extension for this study, because the COVID pandemic substantially delayed the ability to begin data collection. Additionally, we are requesting a Revision because of minor changes to the wording or order of questions in several data collection instruments. These questions were revised to improve flow and clarity, which will likely decrease the amount of time spent on questionnaires and decrease the interruptions required of field participants.

All data collection activities will be conducted in full compliance with the CDC regulations to maintain the privacy of data obtained on persons and to protect the rights and welfare of human subjects. Consistent with Section 301(d)

of the Public Health Service Act, a Certificate of Confidentiality (CoC) applies to this research. The total

estimated burden hours are 109 for the field study and 77 for the environmental

chamber study. There are no costs to respondents other than their time.

#### ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number responses per respondent	Average burden per response (hours)
<b>Field study</b>				
Miners .....	Informed consent form (field) .....	59	1	30/60
Miners .....	Initial health screening questionnaire (field) ..	59	1	30/60
Miners .....	Pre-shift field questionnaire .....	59	2	5/60
Miners .....	Mid-shift field questionnaire .....	59	4	1/60
Miners .....	PVT cognitive test .....	59	5	5/60
Miners .....	Post-shift field questionnaire .....	59	2	5/60
<b>Chamber study</b>				
Miners/firefighters/construction workers .....	Informed consent form (chamber) .....	30	1	30/60
Miners/firefighters/construction workers .....	Physical examination form .....	30	1	10/60
Miners/firefighters/construction workers .....	Initial health screening questionnaire (chamber) .....	30	1	30/60
Miners/firefighters/construction workers .....	Release of information form .....	5	1	1/60
Miners/firefighters/construction workers .....	TSS and RPE .....	30	5	1/60
Miners/firefighters/construction workers .....	PANAS and KSS .....	30	5	2/60
Miners/firefighters/construction workers .....	Cognitive test: PVT .....	30	5	10/60
Miners/firefighters/construction workers .....	Cognitive test: N-back .....	30	5	1/60
Miners/firefighters/construction workers .....	Pre-testing health questionnaire .....	30	2	5/60

**Jeffrey M. Zirger,**

*Lead, Information Collection Review Office,  
Office of Public Health Ethics and  
Regulations, Office of Science, Centers for  
Disease Control and Prevention.*

[FR Doc. 2024-03883 Filed 2-26-24; 8:45 am]

**BILLING CODE 4163-18-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

[60Day-24-0978; Docket No. CDC-2024-0013]

### Proposed Data Collection Submitted for Public Comment and Recommendations

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

**ACTION:** Notice with comment period.

**SUMMARY:** The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project

titled Emerging Infections Program (EIP). EIP is a population-based surveillance activity conducted via active, laboratory case finding that is used for detecting, identifying, and monitoring emerging pathogens.

**DATES:** CDC must receive written comments on or before April 29, 2024.

**ADDRESSES:** You may submit comments, identified by Docket No. CDC-2024-0013 by either of the following methods:

- **Federal eRulemaking Portal:** [www.regulations.gov](http://www.regulations.gov). Follow the instructions for submitting comments.
- **Mail:** Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21-8, Atlanta, Georgia 30329.

**Instructions:** All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to [www.regulations.gov](http://www.regulations.gov).

**Please note:** Submit all comments through the Federal eRulemaking portal ([www.regulations.gov](http://www.regulations.gov)) or by U.S. mail to the address listed above.

**FOR FURTHER INFORMATION CONTACT:** To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21-8, Atlanta, Georgia 30329;

Telephone: 404-639-7570; Email: [omb@cdc.gov](mailto:omb@cdc.gov).

**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. In addition, the PRA also requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

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;

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 submissions of responses; and

5. Assess information collection costs.

### Proposed Project

Emerging Infections Program (EIP) (OMB Control No. 0920–0978, Exp. 2/28/2026)—Revision—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

### Background and Brief Description

The Emerging Infections Programs (EIPs) are population-based centers of excellence established through a network of state health departments collaborating with academic institutions; local health departments; public health and clinical laboratories; infection control professionals; and healthcare providers. EIPs assist in local, state, and national efforts to prevent, control, and monitor the public health impact of infectious diseases. Activities of the EIPs fall into the following general categories: (1) active surveillance; (2) applied public health epidemiologic and laboratory activities; (3) implementation and evaluation of pilot prevention/intervention projects; and (4) flexible response to public health emergencies. Activities of the EIPs are designed to: (1) address issues that the EIP network is particularly suited to investigate; (2) maintain

sufficient flexibility for emergency response and new problems as they arise; (3) develop and evaluate public health interventions to inform public health policy and treatment guidelines; (4) incorporate training as a key function; and (5) prioritize projects that lead directly to the prevention of disease.

A Revision is being submitted to make existing collection instruments clearer, consolidate forms and to add new forms. These forms will allow the EIP to better detect, identify, track changes in laboratory testing methodology, gather information about laboratory utilization in the EIP catchment area to ensure that all cases are being captured, and survey EIP staff to evaluate program quality.

CDC requests OMB approval for an estimated 42,440 annual burden hours. There is no cost to respondents other than their time.

### ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form number	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Current total burden (in hours)
State Health Department .....	ABC.100.1	ABCs Case Report Form .....	10	809	20/60	2697
	ABC.100.2	ABCs Invasive Pneumococcal Disease in Children and Adults Case Report Form.	10	127	10/60	212
	ABC.100.3	ABCs <i>H. influenzae</i> Neonatal Sepsis Expanded Surveillance Form.	10	6	10/60	10
	ABC.100.4	ABCs Severe GAS Infection Supplemental Form.	10	136	20/60	453
	ABC.100.5	ABCs Neonatal Infection Expanded Tracking Form.	10	37	20/60	123
	FN.200.1	FoodNet Campylobacter .....	10	970	21/60	3395
	FN.200.2	FoodNet Cyclospora .....	10	42	10/60	70
	FN.200.3	FoodNet Listeria monocytogenes .....	10	16	20/60	53
	FN.200.4	FoodNet Salmonella .....	10	855	21/60	2993
	FN.200.5	FoodNet Shiga toxin producing <i>E. coli</i> .....	10	290	20/60	967
	FN.200.6	FoodNet Shigella .....	10	234	10/60	390
	FN.200.7	FoodNet Vibrio .....	10	46	10/60	77
	FN.200.8	FoodNet Yersinia .....	10	55	10/60	92
	FN.200.9	FoodNet Hemolytic Uremic Syndrome .....	10	10	1	100
	FN.200.10	FoodNet Clinical Laboratory Practices and Testing Volume.	10	70	10/60	117
	FSN.300.1	FluSurv-Net Influenza Hospitalization Surveillance Network Case Report Form.	15	727	25/60	4544
	FSN.300.2	FluSurv-Net Influenza Hospitalization Surveillance Project Vaccination Phone Script and Consent Form (English/Spanish).	14	16	10/60	37
	FSN.300.3	FluSurv-Net Influenza Hospitalization Surveillance Project Provider Vaccination History Fax Form (Children/Adults).	14	126	5/60	147
	FSN.300.4	FluSurv-NET Laboratory Survey .....	15	16	10/60	40
	HAIC.400.1	HAIC—Multi-site Gram-Negative Surveillance Initiative (MuGSI) Case Report Form.	11	1581	29/60	8406
	HAIC.400.2	HAIC MuGSI CA CP–CRE Health interview.	10	10	30/60	50
	HAIC.400.3	HAIC MuGSI Supplemental Surveillance Officer Survey.	11	1	20/60	4
	HAIC.400.4	HAIC—Invasive <i>Staphylococcus aureus</i> Infection Case Report Form.	10	788	29/60	3809
	HAIC.400.5	HAIC—Invasive <i>Staphylococcus aureus</i> Laboratory Survey.	10	11	9/60	17
	HAIC.400.6	HAIC—Invasive <i>Staphylococcus aureus</i> Supplemental Surveillance Officers Survey.	10	1	10.5/60	2

## ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondent	Form number	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Current total burden (in hours)
	HAIC.400.7	HAIC—CDI Case Report and Treatment Form.	10	1650	38/60	10450
	HAIC.400.8	HAIC—Annual Survey of Laboratory Testing Practices for <i>C. difficile</i> Infections.	10	16	17/60	45
	HAIC.400.9	HAIC—CDI Annual Surveillance Officers Survey.	10	1	15/60	3
	HAIC.400.10	HAIC—Emerging Infections Program <i>C. difficile</i> Surveillance Nursing Home Telephone Survey (LTCF).	10	45	5/60	38
	HAIC.400.11	HAIC Candidemia Case Report Form	10	170	40/60	1133
	HAIC.400.12	HAIC—Laboratory Testing Practices for Candidemia Questionnaire.	10	20	14/60	47
	HAIC.400.13	HAIC Death Ascertainment Project ....	10	8	1440/60	1,920
Total .....	.....	.....	.....	.....	.....	42,440

Jeffrey M. Zirger,

Lead, Information Collection Review Office,  
Office of Public Health Ethics and  
Regulations, Office of Science, Centers for  
Disease Control and Prevention.

[FR Doc. 2024–03889 Filed 2–26–24; 8:45 am]

BILLING CODE 4163–18–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

[60Day–24–24DD; Docket No. CDC–2024–  
0012]

### Proposed Data Collection Submitted for Public Comment and Recommendations

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

**ACTION:** Notice with comment period.

**SUMMARY:** The Centers for Disease  
Control and Prevention (CDC), as part of  
its continuing effort to reduce public  
burden and maximize the utility of  
government information, invites the  
general public and other Federal  
agencies the opportunity to comment on  
a proposed information collection, as  
required by the Paperwork Reduction  
Act of 1995. This notice invites  
comment on a proposed information  
collection project titled Project  
Confianza to Identify Medical Mistrust  
Drivers among Hispanic/Latino Gay,  
Bisexual, and Other Men Who Have Sex  
With Men (HLMSM). The data  
collection is designed to identify the  
root causes of medical mistrust and  
opportunities to implement  
interventions that can make HIV-related  
services trusted and acceptable for  
HLMSM to increase access to, and  
utilization of, HIV prevention and care

services, as well as contribute toward  
achieving Ending the HIV Epidemic in  
the U.S. (EHE) goals and National HIV  
Strategic Plan health disparities goals.

**DATES:** CDC must receive written  
comments on or before April 29, 2024.

**ADDRESSES:** You may submit comments,  
identified by Docket No. CDC–2024–  
0012 by either of the following methods:

□ *Federal eRulemaking Portal:*

*www.regulations.gov*. Follow the  
instructions for submitting comments.

□ *Mail:* Jeffrey M. Zirger, Information  
Collection Review Office, Centers for  
Disease Control and Prevention, 1600  
Clifton Road NE, MS H21–8, Atlanta,  
Georgia 30329.

*Instructions:* All submissions received  
must include the agency name and  
Docket Number. CDC will post, without  
change, all relevant comments to  
*www.regulations.gov*. Please note:  
Submit all comments through the  
Federal eRulemaking portal  
(*www.regulations.gov*) or by U.S. mail to  
the address listed above.

**FOR FURTHER INFORMATION CONTACT:** To  
request more information on the  
proposed project or to obtain a copy of  
the information collection plan and  
instruments, contact Jeffrey M. Zirger,  
Information Collection Review Office,  
Centers for Disease Control and  
Prevention, 1600 Clifton Road NE, MS  
H21–8, Atlanta, Georgia 30329;  
telephone: 404–639–7118; Email: *omb@  
cdc.gov*.

**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. In addition, the PRA also  
requires Federal agencies to provide a  
60-day notice in the **Federal Register**  
concerning each proposed collection of

information, including each new  
proposed collection, each proposed  
extension of existing collection of  
information, and each reinstatement of  
previously approved information  
collection before submitting the  
collection to the OMB for approval. To  
comply with this requirement, we are  
publishing this notice of a proposed  
data collection as described below.

The OMB is particularly interested in  
comments that will help:

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;

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 submissions  
of responses; and

5. Assess information collection costs.

### Proposed Project

Project Confianza to Identify Medical  
Mistrust Drivers among Hispanic/Latino  
Gay, Bisexual, and Other Men Who  
Have Sex With Men (HLMSM)—New—  
National Center for HIV, Viral Hepatitis,  
STD, and TB Prevention (NCHHSTP),  
Centers for Disease Control and  
Prevention (CDC).

**Background and Brief Description**

Although the HIV diagnosis rate among Hispanic/Latino Americans (H/L) has decreased in the United States (from 17.6/100,000 in 2014 to 11.0/100,000 in 2019), H/L continue to be disproportionately affected by HIV. H/L account for 18.7% of the US population and in 2019 they accounted for 29% of new HIV diagnoses, the majority (85%) of which were among H/L gay, bisexual and other men who have sex with men (HLMSM). Medical mistrust (MM) is a social determinant of health associated with HIV disparities (e.g., low PrEP willingness and adherence) among HLMSM that prevents and delays access and engagement in HIV prevention and care services (e.g., PrEP, ART). To date, most MM studies in the United States have focused on Black/African American persons. The few studies that

have examined MM among H/L are mostly in non-HIV fields (e.g., reproductive health and chronic diseases, such as cancer screening). The literature highlights the need for research about MM among HLMSM.

Because its root causes in this priority group are unknown, the goals of this collection are to understand pathways that lead to MM in HLMSM, and to capture variations in MM drivers among different H/L subgroups (e.g., Indigenous, Mexican, Puerto Rican, Salvadoran, Columbian). Methods used to collect data during this project include (1) In-depth interviews, focus groups, and quantitative surveys with HLMSM and (2) key informant interviews and focus groups with health care providers and H/L leaders/gatekeepers. Projects collecting information under this request should:

(1) identify the root causes of MM and opportunities to implement interventions that can make HIV-related services trusted and acceptable for HLMSM to help increase HLMSM access to, and utilization of, HIV prevention and care services; (2) contribute toward achieving Ending the HIV Epidemic in the U.S. (EHE) goals; and (3) respond to the National HIV Strategic Plan health disparities goals.

CDC awarded a research cooperative agreement to three academic institutions (Johns Hopkins University [JHU]; the University of California, San Francisco [UCSF]; and Wake Forest University [WFU]) through a Notice of Funding Opportunity (NOFO) PS23-006. The total estimated annualized burden hours requested are 2,580. There is no cost to respondents other than their time to participate.

**ESTIMATED ANNUALIZED BURDEN HOURS**

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
HLMSM .....	In-Depth Interview Screener (JHU) ..	66	1	10/60	11
HLMSM .....	In-Depth Interview Guide (JHU) .....	60	1	75/60	75
HLMSM .....	Eligibility Questionnaire (WFU) .....	70	1	5/60	6
HLMSM .....	Demographic Questionnaire (WFU) .....	60	1	15/60	15
HLMSM .....	In-Depth Interview Guide (WFU) .....	60	1	1.5	90
HLMSM .....	In-Depth Interview Screener (UCSF) .....	48	1	10/60	8
HLMSM .....	In-Depth Interview Guide (UCSF) ....	40	1	45/60	30
HLMSM .....	Focus Group Interview Screener (JHU).	55	1	10/60	9
HLMSM .....	Focus Group Interview Guide (JHU)	50	1	75/60	63
Key Informants (Service Providers and Community Leaders).	Focus Group Interview Screener (JHU).	55	1	10/60	9
Key Informants .....	Focus Group Interview Guide (JHU)	50	1	75/60	63
Key Informants .....	In-Depth Interview Screener (JHU) ..	55	1	10/60	9
Key Informants .....	In-Depth Interview Guide (JHU) .....	50	1	75/60	63
Key Informants .....	Demographic Questionnaire (WFU) .....	30	1	10/60	5
Key Informants .....	In-Depth Interview Guide (WFU) .....	30	1	1.5	45
Key Informants .....	In-Depth Interview Screener (UCSF) .....	12	1	10/60	2
Key informants .....	In-Depth Interview Guide (UCSF) ....	10	1	1	10
HLMSM .....	Cross-Sectional Survey Screener (JHU).	1,788	1	10/60	298
HLMSM .....	Cross-Sectional Survey (JHU) .....	1,625	1	1	1,625
HLMSM .....	Questionnaire Screener (UCSF) .....	144	1	10/60	24
HLMSM .....	Questionnaire (UCSF) .....	120	1	1	120
Total .....	.....	.....	.....	.....	2,580

Jeffrey M. Zirger,

Lead, Information Collection Review Office,  
Office of Public Health Ethics and  
Regulations, Office of Science, Centers for  
Disease Control and Prevention.

[FR Doc. 2024-03884 Filed 2-26-24; 8:45 am]

BILLING CODE 4163-18-P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Administration for Children and Families****Submission for Office of Management and Budget Review; Tribal Child Support Enforcement Direct Funding Requests: (Office of Management and Budget #0970-0218)**

**AGENCY:** Office of Child Support Services, Administration for Children

and Families, United States Department of Health and Human Services.

**ACTION:** Request for public comments.

**SUMMARY:** The Office of Child Support Services (OCSS), Administration for Children and Families (ACF) is requesting to extend approval of revisions to an approved information collection the Tribal Child Support Enforcement Direct Funding Requests (Office of Management and Budget (OMB) #0970-0218). These revisions

were approved under an emergency approval for 6-months and included a new requirement for Tribes or Tribal organizations to provide that charging fees and recovering costs will not be permitted.

**DATES:** *Comments due within 30 days of publication.* OMB must make a decision about the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review-Open for Public Comments” or by using the search function. You can also obtain copies of the proposed collection of information by emailing [infocollection@acf.hhs.gov](mailto:infocollection@acf.hhs.gov). Identify all emailed

requests by the title of the information collection.

**SUPPLEMENTARY INFORMATION:**

*Description:* The final rule within 45 CFR part 309, published in the **Federal Register** on March 30, 2004 at 69 FR 16638, contains a regulatory reporting requirement that, in order to receive funding for a Tribal IV–D program, a Tribe or Tribal organization must submit a plan describing how the Tribe or Tribal organization meets or plans to meet the objectives of section 455(f) of the Social Security Act, including establishing paternity; establishing, modifying, and enforcing support orders; and locating noncustodial parents. The plan is required for all Tribes requesting funding; however, once a Tribe has met the requirements to operate a comprehensive program, a new plan is not required annually unless a Tribe makes changes to its title IV–D program. If a Tribe or Tribal organization intends to make any substantial or material changes, a Tribal IV–D plan amendment must be submitted for approval. Tribes and Tribal organizations must have an approved plan and submit any required

plan amendments in order to receive funding to operate a Tribal IV–D program. Through an emergency approval request, OCSS included a new requirement for Tribes and Tribal organizations to provide that charging fees and recovering costs will not be permitted. This is due to the Final Rule on the Elimination of the Non-Federal Share published on February 12, 2024 (see 89 FR 9784). Tribes and Tribal organizations that charge fees and recover cost must submit a plan amendment demonstrating compliance with the proposed new requirement, in accordance with 45 CFR 309.35(d). This is a one-time submission. Only three Tribal child support programs report data on the collection of fees and recovered costs. This request is to extend approval with no changes.

*Respondents:* Tribes and Tribal Organizations.

**Burden Estimates**

The following burden estimates include new burden associated with the change in requirement, as well as existing burden under OMB #: 0970–0218.

Instrument	Total number of respondents	Total number of responses per respondent (over three years)	Burden hours per response	Total burden hours (over three years)	Annual burden hours
45 CFR 309—New Plan .....	10	3	480	14,400	4,800
45 CFR 309—Plan Amendment .....	60	* 2	105	18,900	6,300
45 CFR 309—Plan Amendment—Charging fees and recovering .....	3	1	3	9	3
Estimated Burden Hours and Costs .....	.....	.....	.....	33,309	11,103

\* This estimate is based on an average number of about 2 amendments submitted per year per Tribe, but that does vary annually and by Tribe.

*Authority:* Title IV–D of the Social Security Act; 45 CFR 309.

Mary C. Jones,  
ACF/OPRE Certifying Officer.

[FR Doc. 2024–03968 Filed 2–26–24; 8:45 am]

BILLING CODE 4184–41–P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

[Docket No. FDA–2022–E–2217]

**Determination of Regulatory Review Period for Purposes of Patent Extension; Rybrevant**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for Rybrevant and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human biological product.

**DATES:** Anyone with knowledge that any of the dates as published (see **SUPPLEMENTARY INFORMATION**) are incorrect may submit either electronic or written comments and ask for a redetermination by April 29, 2024. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for

extension acted with due diligence during the regulatory review period by August 26, 2024. See “Petitions” in the **SUPPLEMENTARY INFORMATION** section for more information.

**ADDRESSES:** You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. eastern time at the end of April 29, 2024. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

*Electronic Submissions*

Submit electronic comments in the following way:



• *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

#### *Written/Paper Submissions*

Submit written/paper submissions as follows:

• *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

*Instructions:* All submissions received must include the Docket No. FDA-2022-E-2217 for "Determination of Regulatory Review Period for Purposes of Patent Extension; RYBREVANT." Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

• *Confidential Submissions*—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The

Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with § 10.20 (21 CFR 10.20) and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

*Docket:* For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

**FOR FURTHER INFORMATION CONTACT:** Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6250, Silver Spring, MD 20993, 301-796-3600.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98-417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100-670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug or biologic product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For human biological products, the testing phase begins when the exemption to permit

the clinical investigations of the biological product becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human biological product and continues until FDA grants permission to market the biological product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human biological product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human biologic product Rybrevant (amivantamab-vmjw). Rybrevant is indicated for the treatment of adult patients with locally advanced or metastatic non-small cell lung cancer with epidermal growth factor receptor exon 20 insertion mutations, as detected by an FDA-approved test, whose disease has progressed on or after platinum-based chemotherapy. Subsequent to this approval, the USPTO received a patent term restoration application for Rybrevant (U.S. Patent No. 9,593,164) from Janssen Biotech, Inc., and the USPTO requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated September 21, 2022, FDA advised the USPTO that this human biological product had undergone a regulatory review period and that the approval of Rybrevant represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

##### **II. Determination of Regulatory Review Period**

FDA has determined that the applicable regulatory review period for Rybrevant is 1,284 days. Of this time, 1,105 days occurred during the testing phase of the regulatory review period, while 179 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) became effective:* November 16, 2017. The applicant claims November 19, 2017, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was November 16, 2017, which was the first date after

receipt of the IND that the investigational studies were allowed to proceed.

2. *The date the application was initially submitted with respect to the human biological product under section 351 of the Public Health Service Act (42 U.S.C. 262):* November 24, 2020. FDA has verified the applicant's claim that the biologics license application (BLA) for Rybrevant (BLA B761210) was initially submitted on November 24, 2020.

3. *The date the application was approved:* May 21, 2021. FDA has verified the applicant's claim that BLA B761210 was approved on May 21, 2021.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 546 days of patent term extension.

### III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to <https://www.regulations.gov> at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: February 22, 2024.

**Lauren K. Roth,**

*Associate Commissioner for Policy.*

[FR Doc. 2024–03961 Filed 2–26–24; 8:45 am]

**BILLING CODE 4164–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

#### Agency Information Collection Activities: Proposed Collection: Public Comment Request; Information Collection Request Title: Ryan White HIV/AIDS Program Core Medical Services Waiver Form, OMB No. 0906–0065—Revision

**AGENCY:** Health Resources and Services Administration (HRSA), Department of Health and Human Services.

**ACTION:** Notice.

**SUMMARY:** In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

**DATES:** Comments on this ICR should be received no later than April 29, 2024.

**ADDRESSES:** Submit your comments to [paperwork@hrsa.gov](mailto:paperwork@hrsa.gov) or mail the HRSA Information Collection Clearance Officer, Room 14N39, 5600 Fishers Lane, Rockville, Maryland 20857.

**FOR FURTHER INFORMATION CONTACT:** To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email [paperwork@hrsa.gov](mailto:paperwork@hrsa.gov) or call Joella Roland, the HRSA Information Collection Clearance Officer, at (301) 443–3983.

**SUPPLEMENTARY INFORMATION:** When submitting comments or requesting information, please include the ICR title for reference.

*Information Collection Request Title:* Ryan White HIV/AIDS Program Core Medical Services Waiver Form, OMB No. 0915–0065—Revision

*Abstract:* In accordance with sections 2604(c), 2612(b), and 2651(c) of the Public Health Service Act, recipients are required to spend not less than 75 percent of funds on core medical services for individuals with HIV identified and eligible under the statute, after reserving permissible amounts for administrative and clinical quality management (CQM) costs. The statute also grants the Secretary of Health and Human Services authority to waive this requirement for a Ryan White HIV/AIDS Program (RWHAP) Part A, B, or C recipient if certain requirements are

met, and a waiver request is submitted to HRSA for approval.

As currently implemented by HRSA, to be approved, (1) core medical services must be available and accessible to all individuals identified and eligible for the RWHAP in the recipient's service area within 30 days. This access must be without regard to payer source, and without the need to spend at least 75 percent of funds remaining from the recipient's RWHAP award after statutorily permissible amounts for administrative and CQM costs are reserved; (2) the recipient must ensure there are no AIDS Drug Assistance Program (ADAP) waiting lists in their service area; and (3) a public process to obtain input on the waiver request must have occurred. This process must seek input from impacted communities including clients and RWHAP-funded core medical services providers on the availability of core medical services, and the decision to request the waiver. The public process may be a part of the same one used by recipients to seek input on community needs as part of the annual priority setting and resource allocation, comprehensive planning, statewide coordinated statement of need, public planning, and/or needs assessment processes. RWHAP Parts A, B, and C core medical services waiver requests must include funds awarded under the Minority AIDS Initiative. Core medical services waivers are effective for a 1-year period.

The process for RWHAP Parts A, B, and C grant recipients to request a waiver of the minimum expenditure amount requirements for core medical services is outlined in Policy Notice 21–01, Waiver of the Ryan White HIV/AIDS Program Core Medical Services Expenditure Requirement.

HRSA proposes to modify the one-page form to include the proposed percentages of HIV service dollars allocated to core medical and support services. Under the proposed changes, a field will be added to the form to capture the proposed percentages. This information will inform HRSA whether recipients are able to meet the statutory requirements in sections 2604(c), 2612(b), and 2651(c) of the Public Health Service Act and will clarify what proposed portion of funds will be allocated to core medical and support services. Minor changes will also be made to the form to increase readability.

*Summary of Proposed Changes:* Sections 2604(c), 2612(b), and 2651(c) of the Public Health Service Act requires recipients to spend not less than 75 percent of funds on core medical services after reserving statutorily

permissible amounts for administrative and CQM costs. However, on the prior version of the form, the portion of HIV service dollars to be allocated to core medical and support services was sometimes unclear. The suggested change adds a requirement to include the proposed percentages of HIV service dollars allocated to core medical and support services on the form. The table on the prior form is expanded to allow for the insertion of the proposed percentages for core medical and support services. Instructions at the top of the new form are updated to indicate where to insert the proposed percentages. Language within the table is also updated to increase readability.

The proposed changes do not modify the underlying requirements necessary to obtain a waiver: all core medical services are available and accessible within 30 days in the jurisdiction or service area; ensuring that the state ADAP has no waiting lists; and that the

recipient has used a public process to determine the need for a waiver. Recipients may still need to provide supportive evidence to HRSA upon request.

**Need and Proposed Use of the Information:** HRSA uses the documentation submitted in core medical services waiver requests to determine if the RWHAP Parts A, B, and C grant applicant or recipient meets the statutory requirements for waiver eligibility including: (1) no waiting lists for ADAP services; and (2) evidence of core medical services availability within the grant recipient's jurisdiction, state, or service area to all persons with HIV identified and eligible under Title XXVI of the Public Health Service Act.<sup>1</sup>

**Likely Respondents:** HRSA expects responses from RWHAP Parts A, B, and C grant applicants and recipients. The number of grant recipients requesting waivers has fluctuated annually and ranged up to 23 per year since its implementation in fiscal year 2007. In

light of recent trends, HRSA anticipates receiving possibly up to 23 applications in a given year.

**Burden Statement:** Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

Total Estimated Annualized Burden Hours:

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
RWHAP ..... Core Medical Services Waiver Request Attestation Form .....	23	1	23	0.49	11.27
Total .....	23	1	23	0.49	11.27

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

**Maria G. Button,**

*Director, Executive Secretariat.*

[FR Doc. 2024-03952 Filed 2-26-24; 8:45 am]

**BILLING CODE 4165-15-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:** Risk, Prevention and Health Behavior Integrated Review Group; HIV/AIDS Intra- and Inter-personal

Determinants and Behavioral Interventions Study Section.

**Date:** March 20–21, 2024.

**Time:** 8:00 a.m. to 8:00 p.m.

**Agenda:** To review and evaluate grant applications.

**Place:** St. Gregory Hotel, 2033 M Street NW, Washington, DC 20036.

**Contact Person:** Mark P Rubert, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301-806-6596, [rubertm@csr.nih.gov](mailto:rubertm@csr.nih.gov).

**Name of Committee:** Center for Scientific Review Special Emphasis Panel; Small Business: Aging and Development, Auditory Vision and Low Vision Technologies.

**Date:** March 20–21, 2024.

**Time:** 9:00 a.m. to 8:00 p.m.

**Agenda:** To review and evaluate grant applications.

**Place:** Canopy by Hilton, 940 Rose Avenue, North Bethesda, MD 20852.

**Contact Person:** Barbara Susanne Mallon, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480-8992, [mallonb@mail.nih.gov](mailto:mallonb@mail.nih.gov).

<sup>1</sup> Sections 2604(c)(2), 2612(b)(2), and 2651(c)(2) of the PHS Act.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; P30: Mature Synchrotron Resource.

*Date:* March 20–21, 2024.

*Time:* 9:30 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Alexei A Yeliseev, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 443–0552, [yeliseeva@mail.nih.gov](mailto:yeliseeva@mail.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; PAR Panel: Biomedical Data Repositories and Knowledgebases.

*Date:* March 20, 2024.

*Time:* 10:00 a.m. to 7:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Joseph Thomas Peterson, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, MSC 7814, Bethesda, MD 20892, 301–408–9694, [petersonjt@csr.nih.gov](mailto:petersonjt@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; PAR Panel: Implementation of Biomedical HIV Prevention Options for Women.

*Date:* March 20, 2024.

*Time:* 10:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Paul Hewett, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Room Bethesda, MD 20892, (240) 672–8946, [hewettmarxpn@csr.nih.gov](mailto:hewettmarxpn@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Respiratory, Cardiac, and Circulatory Sciences Member Conflict—Cardiac and Respiratory Sciences.

*Date:* March 20, 2024.

*Time:* 10:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Carmen Bertoni, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 805B Bethesda, MD 20892, (301) 867–5309, [bertonic2@csr.nih.gov](mailto:bertonic2@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Fellowships: Infectious Diseases and Immunology B Review Panel.

*Date:* March 20–21, 2024.

*Time:* 10:00 a.m. to 8:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Diana Maria Ortiz-Garcia, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–5614, [diana.ortiz-garcia@nih.gov](mailto:diana.ortiz-garcia@nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Small Business: Radiation Therapy, Radiation Biology and Nanoparticle Based Therapeutics.

*Date:* March 20–21, 2024.

*Time:* 10:00 a.m. to 8:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Jennifer Ann Sanders, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 496–3553, [jennifer.sanders@nih.gov](mailto:jennifer.sanders@nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Neuroimmunology, Brain Tumors, and Neurological Injuries.

*Date:* March 20, 2024.

*Time:* 11:00 a.m. to 8:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Vilen A Movsesyan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040M, MSC 7806, Bethesda, MD 20892, 301–402–7278, [movsesyanv@csr.nih.gov](mailto:movsesyanv@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Motor, Pain, and Chemosensory.

*Date:* March 20, 2024.

*Time:* 11:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Kirk Thompson, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5184, MSC 7844, Bethesda, MD 20892, 301–435–1242, [kgt@mail.nih.gov](mailto:kgt@mail.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Topics in Infection and Immunity.

*Date:* March 20, 2024.

*Time:* 12:00 p.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Xinrui Li, Ph.D, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (301) 594–2084 [xinrui.li@nih.gov](mailto:xinrui.li@nih.gov)

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Myalgic Encephalomyelitis—Chronic Fatigue Syndrome.

*Date:* March 20, 2024.

*Time:* 12:00 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

*Contact Person:* Roger Janz, Ph.D, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 402–8515, [janrz2@csr.nih.gov](mailto:janrz2@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: February 21, 2024.

**David W. Freeman,**

*Supervisory Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2024–03916 Filed 2–26–24; 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; Small Business: The Cancer Drug Development and Therapeutics (CDDT).

*Date:* March 21–22, 2024.

*Time:* 8:00 a.m. to 8:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW, Washington, DC 20015.

*Contact Person:* Lilia Topol, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6192, MSC 7804, Bethesda, MD 20892, 301–451–0131, [ltopol@mail.nih.gov](mailto:ltopol@mail.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Fellowships: Oncology.

*Date:* March 21–22, 2024.

*Time:* 8:00 a.m. to 8:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

*Contact Person:* Nywana Sizemore, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6189, MSC 7804, Bethesda, MD 20892, 301-408-9916, [sizemoren@csr.nih.gov](mailto:sizemoren@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Alzheimer's disease and its related dementias (ADRD).

*Date:* March 21–22, 2024.

*Time:* 8:00 a.m. to 6:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* The Bethesda Hotel, 8120 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Mariam Zaka, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1009J, Bethesda, MD 20892, (301) 435-1042, [zakam2@csr.nih.gov](mailto:zakam2@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Small Business: Digestive sciences.

*Date:* March 21–22, 2024.

*Time:* 8:00 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:* Ganesan Ramesh, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2182, MSC 7818, Bethesda, MD 20892, 301-827-5467, [ganesan.ramesh@nih.gov](mailto:ganesan.ramesh@nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Small Business: Drug Discovery for Neuropsychiatric, Substance Use, And Neurological Disorders.

*Date:* March 21–22, 2024.

*Time:* 8:00 a.m. to 8:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Lai Yee Leung, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1011D, Bethesda, MD 20892, (301) 827-8106, [leungl2@csr.nih.gov](mailto:leungl2@csr.nih.gov).

*Name of Committee:* Infectious Diseases and Immunology B Integrated Review Group; HIV Coinfections and HIV Associated Cancers Study Section.

*Date:* March 21–22, 2024.

*Time:* 8:30 a.m. to 8:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Canopy by Hilton, 940 Rose Avenue, North Bethesda, MD 20852.

*Contact Person:* Joshua D Powell, Ph.D., Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594-5370, [josh.powell@nih.gov](mailto:josh.powell@nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; RFA-OD-23-018: ADVANCE Predoctoral T32 Training Program to Promote Diversity in Health Disparities Research, Preventive Interventions, and Methodology.

*Date:* March 21, 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:* Anna L. Riley, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3114, MSC 7759, Bethesda, MD 20892, (301) 435-2889, [rileyann@csr.nih.gov](mailto:rileyann@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Cancer Diagnostics and Treatments (CDT).

*Date:* March 21–22, 2024.

*Time:* 9:00 a.m. to 8:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* The Westin Georgetown, 2350 M Street NW, Washington, DC 20037.

*Contact Person:* Victor A. Panchenko, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 802B2, Bethesda, MD 20892, (301) 867-5309, [victor.panchenko@nih.gov](mailto:victor.panchenko@nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 21, 2024.

**David W. Freeman,**

*Supervisory Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2024-03917 Filed 2-26-24; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Diabetes and Digestive and Kidney 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 Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; High Impact, Interdisciplinary Science in NIDDK Research Areas.

*Date:* March 25, 2024.

*Time:* 3:00 p.m. to 4:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, NIDDK, Democracy II, Suite 7000A, 6707 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Thomas A. Tatham, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7021, 6707 Democracy Boulevard, Bethesda, MD 20892-2542, (301) 594-3993, [tathamt@mail.nih.gov](mailto:tathamt@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: February 21, 2024.

**Miguelina Perez,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2024-03912 Filed 2-26-24; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Topics in Nephrology.

*Date:* March 12, 2024.

*Time:* 1:00 p.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Atul Sahai, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2188, MSC 7818, Bethesda, MD 20892, 301-435-1198, [sahaia@csr.nih.gov](mailto:sahaia@csr.nih.gov).

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 21, 2024.

**David W. Freeman,**

*Supervisory Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2024-03906 Filed 2-26-24; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Heart, Lung, and Blood Institute; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Sleep Disorders Research Advisory Board.

The meeting will be held as a hybrid meeting held in-person and virtually and will be open to the public as indicated below. Individuals who plan to view the virtual meeting and need special assistance or other reasonable accommodations to view the meeting, should notify the Contact Person listed below in advance of the meeting. The meeting can be accessed from the NIH Videocast at the following link: [https://nih.zoomgov.com/webinar/register/WN\\_GOXjFQVmTxKSDLzWOijixw](https://nih.zoomgov.com/webinar/register/WN_GOXjFQVmTxKSDLzWOijixw).

*Name of Committee:* Sleep Disorders Research Advisory Board.

*Date:* April 4-5, 2024.

*Time:* April 4, 2024, 1:00 p.m.-5:00 p.m.

April 5, 2024, 9:00 a.m.-1:30 p.m.

*Agenda:* The purpose of this meeting is to update the Advisory Board and public stakeholders on the progress of sleep and circadian research activities across NIH, and the activities of Federal stakeholders and interested organizations.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Rm 260C/D, Bethesda, MD 20817 (Hybrid Meeting).

The event is free and open to the public; however, registration is required. Please use this link to register: <https://>

[nih.zoomgov.com/webinar/register/WN\\_GOXjFQVmTxKSDLzWOijixw](https://nih.zoomgov.com/webinar/register/WN_GOXjFQVmTxKSDLzWOijixw).

*Contact Person:* Marishka Brown, Ph.D., SDRAB Executive Secretary, Director, National Center on Sleep Disorders Research, Division of Lung Diseases, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Suite 407B, Bethesda, MD 20892, 301-435-0199, [ncsdr@nih.gov](mailto:ncsdr@nih.gov).

Any member of the public interested in presenting oral comments to the committee must notify the Contact Person listed on this notice at least 12 days in advance of the meeting. Interested individuals and representatives of organizations must submit a letter of intent, a brief description of the organization represented, and a short description of the oral presentation. Only one representative of an organization may be allowed to present oral comments and if accepted by the committee, presentations may be limited to five minutes. Both printed and electronic copies are requested for the record. In addition, any interested person may file written comments with the committee by forwarding their statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: <https://www.nhlbi.nih.gov/about/advisory-and-peer-review-committees/sleep-disorders-research> where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS).

Dated: February 21, 2024.

**Melanie J. Pantoja,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2024-03905 Filed 2-26-24; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Diabetes and Digestive and Kidney 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 Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Clinical Diabetes Applications Open- and Closed-Loop Platforms.

*Date:* March 26, 2024.

*Time:* 10:00 a.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, NIDDK, Democracy II, Suite 7000A, 6707 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Ryan G. Morris, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, 6707 Democracy Boulevard, Room 7015, Bethesda, MD 20892-2542, 301-594-4721, [ryan.morris@nih.gov](mailto:ryan.morris@nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: February 21, 2024.

**Miguelina Perez,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2024-03913 Filed 2-26-24; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Diabetes and Digestive and Kidney 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 Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; RFA-DK-22-037 Postbaccalaureate Research Education

Program in Diabetes, Endocrinology and Metabolic Diseases (PRIDE).

*Date:* March 27, 2024.

*Time:* 10:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, NIDDK, Democracy II, Suite 7000A, 6707 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Tori Stone, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, (301) 827–0994, [tori.stone@nih.gov](mailto:tori.stone@nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: February 21, 2024.

**Miguelina Perez,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2024–03911 Filed 2–26–24; 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; Fellowships: Aging, Neurodegeneration, and Neurotoxicology.

*Date:* March 20–21, 2024.

*Time:* 9:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hyatt Place Georgetown, 2121 M St. NW, Washington, DC 20037.

*Contact Person:* Ashley Marie Kopec, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 496–9293, [kopecam@csr.nih.gov](mailto:kopecam@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; PAR–23–145 Maximizing Investigators Research Award (MIRA) for Early-Stage Investigators (ESI) (R35—Clinical Trial Optional).

*Date:* March 20–21, 2024.

*Time:* 10:00 a.m. to 8:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Heidi B. Friedman, Ph.D., Senior Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 907–H, Bethesda, MD 20892, (301) 379–5632, [hfriedman@csr.nih.gov](mailto:hfriedman@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Small Business: Medical Imaging.

*Date:* March 21–22, 2024.

*Time:* 9:00 a.m. to 8:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Krystyna H. Szymczyk, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 480–4198, [szymczyk@csr.nih.gov](mailto:szymczyk@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflicts: Neurotoxicology, Alcohol, and Neurobiology of Motivated Behavior.

*Date:* March 21, 2024.

*Time:* 11:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* John N. Stabley, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–0566, [stableyn@csr.nih.gov](mailto:stableyn@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; PAR: Counter Measures Against Chemical Threat Agents (CounterACT) Cooperative Agreements.

*Date:* March 22, 2024.

*Time:* 10:00 a.m. to 7:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Hybrid Meeting).

*Contact Person:* Jonathan K. Ivins, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2190, MSC 7850, Bethesda, MD 20892, (301) 594–1245, [ivinsj@csr.nih.gov](mailto:ivinsj@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Special Topics: Molecular and Cellular Sciences and Technologies.

*Date:* March 22, 2024.

*Time:* 10:00 a.m. to 7:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Lystranne Alysia Maynard Smith, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–402–4809, [lystranne.maynard-smith@nih.gov](mailto:lystranne.maynard-smith@nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Training in Veterinary and Comparative Medicine.

*Date:* March 22, 2024.

*Time:* 10:30 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* John Harold Laity, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 402–8254, [laityjh@csr.nih.gov](mailto:laityjh@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Small Business: Musculoskeletal, Orthopedic, Oral, Dermatology and Rheumatology.

*Date:* March 25–26, 2024.

*Time:* 8:30 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

*Contact Person:* Aftab A. Ansari, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4108, MSC 7814, Bethesda, MD 20892, (301) 237–9931, [ansaria@csr.nih.gov](mailto:ansaria@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Topics in Basic Neuroscience.

*Date:* March 26, 2024.

*Time:* 1:00 p.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Gagan Pandya, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, RM 3200, MSC 7808, Bethesda, MD 20892, 301–435–1167, [pandyaga@mail.nih.gov](mailto:pandyaga@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 22, 2024.

**Victoria E. Townsend,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2024–03992 Filed 2–26–24; 8:45 am]

**BILLING CODE 4140–01–P**



**DEPARTMENT OF HEALTH AND HUMAN SERVICES****National Institutes of Health****Center for Scientific Review; Notice of Closed Meeting**

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Topics in Drug Disposition and Toxicity.

*Date:* March 8, 2024.

*Time:* 12:00 p.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Stacey Nicole Williams, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 867-5309, [stacey.williams@nih.gov](mailto:stacey.williams@nih.gov).

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research; 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 21, 2024.

**David W. Freeman,**

*Supervisory Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2024-03907 Filed 2-26-24; 8:45 am]

**BILLING CODE 4140-01-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****National Institutes of Health****National Cancer Institute; Notice of Meeting**

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Cancer Institute Board of Scientific Advisors.

The meeting will be held as a virtual meeting and is open to the public. Individuals who plan to view the virtual meeting and need special assistance or other reasonable accommodations to view the meeting should notify the Contact Person listed below in advance of the meeting. The meeting can be accessed from the NIH Videocast at the following link: <http://videocast.nih.gov/>.

*Name of Committee:* National Cancer Institute Board of Scientific Advisors.

*Date:* March 19, 2024.

*Time:* 1:00 p.m. to 5:00 p.m.

*Agenda:* Director's Report; RFA, RFP, and PAR Concept Reviews; and Scientific Presentations.

*Place:* National Cancer Institute—Shady Grove, 9609 Medical Center Drive, Rockville, MD 20850 (Virtual Meeting).

*Contact Person:* Paulette S. Gray, Ph.D., Director, Division of Extramural Activities, National Cancer Institute—Shady Grove, National Institutes of Health, 9609 Medical Center Drive, 7th Floor, Room 7W444, Bethesda, MD 20892, 240-276-6340, [grayp@mail.nih.gov](mailto:grayp@mail.nih.gov).

*Name of Committee:* National Cancer Institute Board of Scientific Advisors.

*Date:* March 20, 2024.

*Time:* 1:00 p.m. to 5:00 p.m.

*Agenda:* RFA, RFP, and PAR Concept Reviews; and Scientific Presentations.

*Place:* National Cancer Institute—Shady Grove, 9609 Medical Center Drive, Rockville, MD 20850 (Virtual Meeting).

*Contact Person:* Paulette S. Gray, Ph.D., Director, Division of Extramural Activities, National Cancer Institute—Shady Grove, National Institutes of Health, 9609 Medical Center Drive, 7th Floor, Room 7W444, Bethesda, MD 20892, 240-276-6340 [grayp@mail.nih.gov](mailto:grayp@mail.nih.gov).

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: BSA: <http://deainfo.nci.nih.gov/advisory/bsa/bsa.htm>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 21, 2024.

**Melanie J. Pantoja,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2024-03914 Filed 2-26-24; 8:45 am]

**BILLING CODE 4140-01-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICE****National Institutes of Health****National Institute of Diabetes and Digestive and Kidney 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 Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; HIGH IMPACT, INTERDISCIPLINARY SCIENCE IN NIDDK RESEARCH AREAS (RC2) ON PSC.

*Date:* April 12, 2024.

*Time:* 12:00 p.m. to 2:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, NIDDK, Democracy II, Suite 7000A, 6707 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Maria E. Davila-Bloom, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, 6707 Democracy Boulevard, Bethesda, MD 20892-5452, (301) 594-7637, [davila-bloomm@extra.niddk.nih.gov](mailto:davila-bloomm@extra.niddk.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: February 21, 2024.

**Miguelina Perez,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2024-03910 Filed 2-26-24; 8:45 am]

**BILLING CODE 4140-01-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****National Institutes of Health****Office of the Director, National Institutes of Health; 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:* Scientific and Technical Review Board on Biomedical and Behavioral Research Facilities.

*Date:* March 28, 2024.

*Time:* 10:00 a.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

*Contact Person:* Santanu Banerjee, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2106, Bethesda, MD 20892, (301) 435-5947, [banerjees5@mail.nih.gov](mailto:banerjees5@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: February 21, 2024.

**Melanie J. Pantoja,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2024-03915 Filed 2-26-24; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HOMELAND SECURITY

[Docket No. CISA-2024-0005]

### Notice of President's National Infrastructure Advisory Council Meeting

**AGENCY:** Cybersecurity and Infrastructure Security Agency (CISA), Department of Homeland Security (DHS).

**ACTION:** Notice of open *Federal Advisory Committee Act* (FACA) meeting; request for comments.

**SUMMARY:** CISA is publishing this notice to announce the following President's

National Infrastructure Advisory Council (NIAC) meeting.

#### **DATES:** *Meeting Registration:*

Registration is required to attend the meeting and must be received no later than 5:00 p.m. Eastern Standard Time (EST) on March 7, 2024. For more information on how to participate, please contact [NIAC@cisa.dhs.gov](mailto:NIAC@cisa.dhs.gov).

*Speaker Registration:* Registration to speak during the meeting's public comment period must be received no later than 5:00 p.m. EST on March 7, 2024.

*Written Comments:* Written comments must be received no later than 5:00 p.m. EST on March 7, 2024.

*Meeting Date:* The NIAC will meet on March 13, 2024, from 11:00 a.m. to 1:00 p.m. EST. The meeting may close early if the council has completed its business.

**ADDRESSES:** The National Infrastructure Advisory Council's open session will be held in person at 1650 Pennsylvania Ave. NW, Washington, DC; however, members of the public may participate via teleconference only. Requests to participate will be accepted and processed in the order in which they are received. For access to the conference call bridge, information on services for individuals with disabilities, or to request special assistance, please email [NIAC@cisa.dhs.gov](mailto:NIAC@cisa.dhs.gov) by 5:00 p.m. EST on March 7, 2024. The NIAC is committed to ensuring all participants have equal access regardless of disability status. If you require a reasonable accommodation due to a disability to fully participate, please contact Leilani Coates at [NIAC@cisa.dhs.gov](mailto:NIAC@cisa.dhs.gov) as soon as possible.

*Comments:* The council will consider public comments on issues as listed in the **SUPPLEMENTARY INFORMATION** section below. Associated materials for potential discussions during the meeting will be available for review at <https://www.cisa.gov/niac> by March 6, 2024. Comments should be submitted by 5:00 p.m. EST on March 7, 2024 and must be identified by Docket Number CISA-2024-0005. Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal:* [www.regulations.gov](http://www.regulations.gov). Please follow the instructions for submitting written comments.

- *Email:* [NIAC@cisa.dhs.gov](mailto:NIAC@cisa.dhs.gov). Include the Docket Number CISA-2024-0005 in the subject line of the email.

*Instructions:* All submissions received must include the words "Department of Homeland Security" and the Docket Number for this action. Comments received will be posted without

alteration to [www.regulations.gov](http://www.regulations.gov), including any personal information provided. You may wish to read the Privacy & Security Notice which is available via a link on the homepage of [www.regulations.gov](http://www.regulations.gov).

*Docket:* For access to the docket and comments received by the National Infrastructure Advisory Council, please go to [www.regulations.gov](http://www.regulations.gov) and enter docket number CISA-2024-0005.

A public comment period will take place from 11:50 a.m. to 12:00 p.m. Speakers who wish to participate in the public comment period must email [NIAC@cisa.dhs.gov](mailto:NIAC@cisa.dhs.gov) to register. Speakers should limit their comments to 3 minutes and will speak in order of registration. Please note that the public comment period may end before the time indicated, depending on the number of speakers who register to participate.

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

Leilani Coates, 202-768-0854, [NIAC@cisa.dhs.gov](mailto:NIAC@cisa.dhs.gov).

**SUPPLEMENTARY INFORMATION:** The NIAC is established under Section 10 of E.O. 13231 issued on October 16, 2001, as amended and continued under the authority of E.O. 14109, dated September 29, 2023. Notice of this meeting is given under the Federal Advisory Committee Act (FACA), 5 U.S.C. ch. 10 (Pub. L. 117-286). The NIAC provides the President, through the Secretary of Homeland Security, advice on the security and resilience of the Nation's critical infrastructure sectors.

*Agenda:* The National Infrastructure Advisory Council will meet in an open session on Wednesday, March 13, 2024, from 11:00 a.m. to 1:00 p.m. EST to discuss NIAC activities. The open session will include: (1) a period for public comment; (2) a keynote address on critical infrastructure security and resilience; (3) Subcommittee updates and member discussion.

Dated: February 21, 2024.

**Leilani D. Coates,**

*Alternate Designated Federal Officer, National Infrastructure Advisory Council, Cybersecurity and Infrastructure Security Agency, Department of Homeland Security.*

[FR Doc. 2024-03934 Filed 2-26-24; 8:45 am]

**BILLING CODE 9110-9P-P**

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT****[Docket No. FR-6338-N-02]****Notice of Expansion and Proposed Restructuring of the Digital Opportunity Demonstration Program****AGENCY:** Office of Public and Indian Housing, HUD.**ACTION:** Notice.

**SUMMARY:** On October 17, 2023, HUD issued a Notice of Expansion and Proposed Restructuring of the Digital Demonstration Program (ConnectHomeUSA). ConnectHomeUSA is designed to further the collaborative efforts by HUD-assisted housing organizations, government, industry, and nonprofit organizations to accelerate broadband internet adoption and use in HUD-assisted homes. This Notice extends eligible applicants to now include Continuum of Care Program and Housing Opportunities for Persons with AIDS Program grantees. This Notice also extends the application deadline for all applicants.

**DATES:** Applications are due April 12, 2024.

**FOR FURTHER INFORMATION CONTACT:** Dina Lehmann-Kim, Program Manager, Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Room 4130, Washington, DC 20024; telephone number 202-402-2430; email: [Dina.Lehmann-Kim@hud.gov](mailto:Dina.Lehmann-Kim@hud.gov). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

**SUPPLEMENTARY INFORMATION:****I. Notice**

This Notice further expands eligibility of CHUSA to Continuum of Care (CoC) and Housing Opportunities for Persons with AIDS (HOPWA) grantees. Under the prior Notice, only Public Housing Authorities, Tribes, and Multifamily owners/operators were eligible to apply (88 FR 55693, October 17, 2023). HUD is committed to advancing digital opportunities in HUD-assisted communities by expanding its ConnectHomeUSA (CHUSA) initiative to between 50 and 100 new communities as Tier 1 CHUSA communities.

HUD's goal is to identify new communities from urban, rural, and

Tribal locations with both small and large populations that have the capacity to effectively narrow the digital divide, including expanding programs and capabilities over time. HUD seeks communities where state, local or Tribal leadership has already taken steps to support the goals of CHUSA, as measured by both the community's participation in other complementary Federal initiatives such as the Affordable Connectivity Program<sup>1</sup> which enhance internet access in communities and/or by local broadband plans and strategies for implementation. HUD seeks to partner with new communities, as well as existing CHUSA communities that wish to continue their work, and provide technical assistance to these communities to identify financial, in-kind and other resources to accomplish the goals of CHUSA. In this vein, HUD encourages applicants to familiarize themselves with other Federal programs that are funding broadband, such as the Broadband Equity, Access and Deployment grant (\$42.45 billion) and the Digital Equity Act grant program (\$2.75 billion) by going to this comprehensive website: [www.internetforall.gov](http://www.internetforall.gov).

Through this Notice, HUD is expanding eligible applicants to include CoC and HOPWA grantees. Grantees of these programs, especially those using assistance tied to a particular housing site, such as project-based rental assistance, may benefit from the technical assistance and structure of CHUSA to begin designing digital inclusion programs that will support residents connecting to free or low-cost internet, provide internet accessible devices, provide education to help maintain housing, strengthen health and well-being, and build self-sufficiency.

The number of communities served by CHUSA will depend on the number of communities that commit to narrowing the digital divide and that meet the criteria outlined in the prior Notice (88 FR 71586). Applicants should review Appendix A in the prior Notice which outlines: the Restructuring

<sup>1</sup> The Affordable Connectivity Program provides a monthly subsidy of up to \$30 (\$75 on qualifying Tribal lands) to cover the cost of internet service for low-income Americans. At the time of the publication of this Notice, the Federal Communications Commission (FCC) ended new enrollments because ACP is expected to run out of funding in April of this year without new Congressional appropriations. A bipartisan proposal, the Affordable Connectivity Program Extension Act, was introduced which would add \$7 billion to the program. The Biden Administration has also requested \$6 billion for the program. For more information to go: Affordable Connectivity Program | Federal Communications Commission (<https://www.fcc.gov/acp>).

of CHUSA into a tiered model; the goals of CHUSA; HUD support and recognition of sites' achievements; application requirements; and participation requirements of selected communities. CoC and HOPWA grantees interested in applying to join CHUSA, must submit a Letter of Intent to join as a Tier 1 CHUSA community. To be considered eligible, the Letter of Intent must thoroughly address the Required Levels of Engagement for Tier 1 as outlined in the prior Notice.

There is no Congressional funding for CHUSA; the program implementation is contingent upon HUD resources such as staffing and technical assistance. As this expansion proceeds, HUD will continue to assess community interest and the availability of HUD staffing resources to support participation by additional communities. HUD will also assess the effectiveness of the selection criteria within the three tiers on an ongoing basis. Such assessment may expand the number of participating communities, revise the selection criteria, or both to reflect HUD's experience in implementing CHUSA.

**II. Support for Applicants**

A webinar explaining the application process can be viewed at <https://www.hudexchange.info/trainings/courses/steps-for-applying-to-join-the-connecthomeusa-expansion/>. A Frequently Asked Questions document and other guidance is also available on HUD's ConnectHomeUSA at <https://hud.gov/connecthomeusa>. If applicants have additional questions, the HUD CHUSA team is available to assist. Questions can be addressed to: [ConnectHome@hud.gov](mailto:ConnectHome@hud.gov).

**Dominique Blom,***General Deputy Assistant Secretary—Public and Indian Housing.*

[FR Doc. 2024-03881 Filed 2-26-24; 8:45 am]

**BILLING CODE 4210-67-P****DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service**

**[FWS-R3-FAC-2024-N007; FRFR48120323YA0-XXX-FF03F00000; OMB Control Number 1018-0182]**

**Agency Information Collection Activities; Submission to the Office of Management and Budget; Online Program Management System for Carbon Dioxide-Carp**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Fish and Wildlife Service (Service), are proposing to renew an information collection, without change.

**DATES:** Interested persons are invited to submit comments on or before March 28, 2024.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be submitted within 30 days of publication of this notice at <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting “Currently under Review—Open for Public Comments” or by using the search function. Please provide a copy of your comments to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS: PRB (JAO/3W), 5275 Leesburg Pike, Falls Church, VA 22041–3803 (mail); or by email to [Info\\_Coll@fws.gov](mailto:Info_Coll@fws.gov). Please reference “1018–0182” in the subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:**

Madonna Baucum, Service Information Collection Clearance Officer, by email at [Info\\_Coll@fws.gov](mailto:Info_Coll@fws.gov), or by telephone at (703) 358–2503. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

**SUPPLEMENTARY INFORMATION:** In accordance with the Paperwork Reduction Act 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.

On October 30, 2023, we published in the **Federal Register** (88 FR 74204) a notice of our intent to request that OMB approve this information collection. In that notice, we solicited comments for 60 days, ending on December 29, 2023. We also published the **Federal Register** notice on [Regulations.gov](https://www.regulations.gov) (Docket No. FWS–R3–FAC–2023–0204). We received two comments in response to that notice. However, neither comment

addressed the information collections. Therefore, no response is required.

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 information collection request 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:** The Lacey Act (Act, 18 U.S.C. 42) prohibits the importation of any animal deemed to be and prescribed by regulation to be injurious to:

- Human beings;
- The interests of agriculture, horticulture, and forestry; or
- Wildlife or the wildlife resources of the United States.

Implementation and enforcement of the Act is the responsibility of the Department of the Interior. The Service, in concert with our diverse partners, works to conserve, restore, and maintain the nation’s fishery resources and aquatic ecosystems for the benefit of the American people, to include managing and controlling four invasive species of carp—bighead, black, grass, and silver—native to Asia. Under the authority of the Act, the Service listed bighead, black, and silver carp species as

injurious wildlife to protect humans, native wildlife, and wildlife resources from the purposeful or accidental introduction of invasive carp into the nation’s aquatic ecosystems.

The Service takes part in a broad, partner-driven approach to strategically control the movement of invasive carp. The spread of these invasive species in the nation’s river systems threatens the conservation efforts conducted by our agency, our State partners, and other stakeholders, to promote self-sustaining aquatic resources and healthy aquatic ecosystems. In addition to widespread and longstanding ecological consequences, aquatic invasive species often result in significant economic losses and cost our nation’s economy billions of dollars per year.

To effectively carry out our responsibilities under the Act and protect the aquatic resources of the United States, the Service, in collaboration with the U.S. Geological Survey, proposes to administer applications of Carbon Dioxide-Carp by registered management partners (applicators) and to collect information regarding the usage of Carbon Dioxide-Carp, an Environmental Protection Agency (EPA) registered product #6704–95, to control invasive carp. Carbon Dioxide-Carp is approved for use only by the Service, U.S. Geological Survey, U.S. Army Corps of Engineers, State natural resource managers, or persons under their direct supervision.

The Service will use the information collected to document the label requests, maintain inventory, and document application results of Carbon Dioxide-Carp as an EPA registered product. The Service proposes to collect information from applicators using the following five forms:

- *Form 3–2130: Report on Receipt of Label*—Applicators must apply for a label to attach to a treatment container of Carbon Dioxide-Carp prior to being able to legally apply it as an invasive carp deterrent or as an under-ice lethal control for aquatic nuisance species. This form collects the following information:

- Applicant’s information, to include address, date of birth, contact number(s), email address, and relevant business information (if application is on behalf of a business, corporation, public agency, Tribe, or institution);
- Date of label receipt;
- Site of application, to include GPS location, approximate number of surface acres, and date of application;
- Label number; and
- Name and address of applicator.

• *Form 3-2163: Inventory Form for Use with Carbon Dioxide-Carp*—Registered applicators must maintain an accurate inventory of Carbon Dioxide-Carp for the duration of possession of the product label. This form collects the following information:

- Applicant's information, to include address, date of birth, contact number(s), email address, and relevant business information (if application is on behalf of a business, corporation, public agency, Tribe, or institution);
- Date of application;
- Amount of Carbon Dioxide-Carp applied (pounds);
- Label number;
- Label return date;
- Any adverse incident; and
- Name of applicator and affiliation.

• *Form 3-2164: Worksheet for Field Application Locations*—Applicators must complete Form 3-2164 for each application of Carbon Dioxide-Carp before the actual application. This form collects the following information:

- Applicant's information, to include address, date of birth, contact number(s), email address, and relevant business information (if application is on behalf of a business, corporation, public agency, Tribe, or institution);
- Site information, to include the name and address of the location; applicator name, address, telephone number, and email address; and the applicator's certification number; and
- Carbon Dioxide-Carp use information, to include estimated pounds of Carbon Dioxide-Carp needed, estimated dates of use, purpose, and a list of obtained permits.

• *Form 3-2191: Results Report Form*—Investigator must submit application results to the Service to document efficacy of the treatment and any possible adverse effects, as this data is required by the EPA to maintain product registration. This form collects the following information:

- Applicant's information, to include address, date of birth, contact number(s), email address, and relevant business information (if application is on behalf of a business, corporation, public agency, Tribe, or institution);
- Site information (to include GPS coordinates and city/county/state) and reporting individual; and
- Application information, to include total amount of Carbon Dioxide-Carp used (pounds), application date(s), adverse incident information (to include date reported to the U.S. Geological Survey), applicator name

and label number, National Pollutant Discharge Elimination System Permit number, and other required permits and permit numbers.

• *Form 3-2541: 6(a)(2) Adverse Incident Report*—Investigator must submit application adverse results to the Service to document any irregularities in the application circumstances or adverse effects on non-target organisms. This form collects the following information:

- Administrative data, to include reporting and contact individual (if different), address and phone number, incident status, location and date of incident, when registrant became aware of incident, and whether incident was part of a larger study;
- Pesticide data, to include whether exposure was to concentrate prior to dilution;
- Incident circumstances, to include whether there is evidence that label directions were not followed, whether applicator is a certified pest control operator, type of exposure, incident site, situation, and brief description of habitat and incident circumstances; and
- Information involving fish, wildlife, plants, or other non-target organisms; species; symptoms or adverse effects; magnitude of the effects; and any explanatory or qualifying information surrounding the incident.

#### *ePermits Initiative*

We are exploring the feasibility of using the Service's new "ePermits" initiative, an automated permit application system that will allow the agency to move towards a streamlined permitting process to reduce public burden. The ePermits platform would automate the five forms associated with this proposed information collection. Public burden reduction is a priority for the Service, the Assistant Secretary for Fish and Wildlife and Parks, and senior leadership at the Department of the Interior. The intent of the ePermits initiative is to fully automate the permitting and reporting process to improve the customer experience and to reduce time burden on respondents. This system enhances the user experience by allowing users to enter data from any device that has internet access, including personal computers, tablets, and smartphones. It will also link the permit applicant to the *Pay.gov* system for payment of any associated fees.

*Title of Collection:* Online Program Management System for Carbon Dioxide-Carp.

*OMB Control Number:* 1018-0182.

*Form Numbers:* Forms 3-2130, 3-2163, 3-2164, 3-2191, and 3-2541.

*Type of Review:* Extension of a currently approved information collection.

*Respondents/Affected Public:* State and Tribal governments.

*Total Estimated Number of Annual Respondents:* 42.

*Total Estimated Number of Annual Responses:* 42.

*Estimated Completion Time per Response:* Varies from 12 minutes to 1 hour, depending on activity.

*Total Estimated Number of Annual Burden Hours:* 10.

*Respondent's Obligation:* Required to obtain or retain a benefit.

*Frequency of Collection:* On occasion.

*Total Estimated Annual Nonhour Burden Cost:* \$45,000.00. We estimate that each of the anticipated 10 annual respondents would pay an EPA Maintenance fee of \$400, a State registration fee of \$252; and an administrative fee of \$848 (totaling \$15,000 (\$1,500 × 10 respondents)). Each respondent will also incur a one-time startup cost of \$3,000 (totaling \$30,000 (\$3,000 × 10 respondents)).

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

**Madonna Baucum,**

*Information Collection Clearance Officer, U.S. Fish and Wildlife Service.*

[FR Doc. 2024-03985 Filed 2-26-24; 8:45 am]

**BILLING CODE 4333-15-P**

## DEPARTMENT OF THE INTERIOR

### Geological Survey

[GX23LR000F60100; OMB Control Number 1028-0068/Renewal]

### Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Ferrous Metals Surveys

**AGENCY:** U.S. Geological Survey, Interior.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (PRA), the U.S. Geological Survey (USGS) is proposing to renew an Information Collection.

**DATES:** Interested persons are invited to submit comments on or before March 28, 2024.

**ADDRESSES:** Send your comments on this Information Collection Request (ICR) to the Office of Management and Budget's Desk Officer for the Department of the Interior by email at [OIRA\\_Submission@omb.eop.gov](mailto:OIRA_Submission@omb.eop.gov); or via facsimile to (202) 395-5806. Please provide a copy of your comments by mail to U.S. Geological Survey, Information Collections Officer, 12201 Sunrise Valley Drive, MS 159, Reston, VA 20192; or by email to [gs-info\\_collections@usgs.gov](mailto:gs-info_collections@usgs.gov). Please reference OMB Control Number 1028-0068 in the subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:** To request additional information about this ICR, contact Elizabeth S. Sangine by email at [escottsangine@usgs.gov](mailto:escottsangine@usgs.gov), or by telephone at 703-648-7720. 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 <https://www.reginfo.gov/public/do/PRAMain>.

**SUPPLEMENTARY INFORMATION:** In accordance with the PRA, 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 provides 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 September 28, 2023 (88 FR 66883). One comment was received from the Bureau of Economic Analysis supporting the collection of this data as nationally important.

We are again soliciting comments on the proposed ICR that is described below. We are especially interested in public comments addressing the following issues: (1) is the collection necessary to the proper functions of the USGS minerals information mission; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how the USGS might enhance the quality, utility, and clarity of the information to be collected; and (5) how the USGS might 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. Before including your address, phone number, email address, or other personal identifiable information (PII) in your comment, you should be aware that your entire comment—including your PII—may be made publicly available at any time. While you can ask us in your comment to withhold your PII from public review, we cannot guarantee that we will be able to do so.

**Abstract:** Respondents to these forms supply the USGS with domestic production and consumption data for 13 ores, concentrates, metals, and ferroalloys, some of which are considered strategic and critical, to assist in determining National Defense Stockpile goals. These data and derived information will be published as chapters in Mineral Yearbooks, monthly Mineral Industry Surveys, annual Mineral Commodity Summaries, and special publications for use by Government agencies, Congressional offices, educational institutions, research organizations, financial institutions, consulting firms, industry, academia, and the general public.

**Title of Collection:** Ferrous Metals Surveys.

**OMB Control Number:** 1028-0068.

**Form Number:** Various (15 USGS forms).

**Type of Review:** Extension of a currently approved collection.

**Respondents/Affected Public:** Businesses or Other For-Profit Institutions: U.S. nonfuel minerals producers and consumers of ferrous and related metals.

**Total Estimated Number of Annual Respondents:** 980.

**Total Estimated Number of Annual Responses:** 2,718.

**Estimated Completion Time per Response:** For each form, we will include an average burden time ranging from 10 minutes to 1 hour.

**Total Estimated Number of Annual Burden Hours:** 1,364.

**Respondent's Obligation:** Voluntary.  
**Frequency of Collection:** Monthly or Annually.

**Total Estimated Annual Non-Hour Burden Cost:** There are no "non-hour cost" burdens associated with this ICR.

An agency may not conduct or sponsor, nor is a person required to respond to, a collection of information unless it displays a currently valid OMB control number.

The authorities for this action are the PRA, the National Materials and Minerals Policy, Research and

Development Act of 1980 (30 U.S.C. 1601 *et seq.*), the National Mining and Minerals Policy Act of 1970 (30 U.S.C. 21(a)), the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 *et seq.*), and the Defense Production Act (50 U.S.C. 2061 *et seq.*).

**Daniel Hayba,**

*Acting Director, National Minerals Information Center, U.S. Geological Survey.*

[FR Doc. 2024-04026 Filed 2-26-24; 8:45 am]

**BILLING CODE 4338-11-P**

## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

[24XD4523WS/DWSN00000.000000/  
DS61500000/DP.61501]

### Notice of Public Meeting of the Invasive Species Advisory Committee

**AGENCY:** National Invasive Species Council, Interior.

**ACTION:** Notice of public meeting.

**SUMMARY:** Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given that a meeting of the Invasive Species Advisory Committee (ISAC) will meet as indicated below.

**DATES:** The Invasive Species Advisory Committee will convene by Zoom virtual platform on Tuesday, April 30, 2024, 1 p.m.–5 p.m. (ET); Wednesday, May 1, 2024, 1 p.m.–5 p.m. (ET); and Thursday, May 2, 2024, 1 p.m.–5 p.m. (ET).

**ADDRESSES:** The final agenda will be available at least 48 hours in advance of the meeting at <https://www.invasivespecies.gov>. Registration is required (see *Meeting Registration* below). Zoom URL and dial in information will be provided by email to registered participants no later than 3 p.m. (ET) on Monday, April 29, 2024.

**FOR FURTHER INFORMATION CONTACT:** For information concerning attending the ISAC meeting, submitting written comments to the ISAC, or requesting to address the ISAC, contact Kelsey Brantley, NISC Operations Director and ISAC Coordinator, National Invasive Species Council Staff, telephone (202) 577-7012; fax: (202) 208-4118, or email [kelsey\\_brantley@ios.doi.gov](mailto:kelsey_brantley@ios.doi.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 purpose of the ISAC is to provide advice to the NISC, as authorized by Executive Orders 13112 and 13751, on a broad array of issues related to preventing the introduction of invasive species and providing for their control and minimizing the economic, ecological, and human health impacts that invasive species cause. NISC is co-chaired by the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce. The duty of NISC is to provide national leadership regarding invasive species issues.

The purpose of the virtual meeting on Tuesday, April 30, 2024, through Thursday, May 2, 2024, is to convene the full ISAC to receive updates from NISC member agencies regarding ongoing priority activities. Following on discussions at its November 2023 meeting, ISAC will also continue deliberations on developing input and advice for NISC related to (1) the national early detection and rapid response framework and (2) islands and invasive species.

**Meeting Agenda:** The meeting will be conducted as follows:

Tuesday, April 30, 2024 (1 p.m.–5 p.m. ET): Opening remarks, Member introductions; NISC agency updates, Public Comment; Wednesday, May 1, 2024 (1 p.m.–5 p.m. ET): Committee deliberations, Public Comment; Thursday, May 2, 2024 (1 p.m.–5 p.m. ET): Continued deliberations, ISAC operations and planning, Public Comment.

The final agenda, records, and other reference documents for discussion during the meeting will be available for public viewing as they become available, but no later than 48 hours prior to the start of the meeting at <https://www.invasivespecies.gov>.

**Meeting Registration:** Due to the limited number of connections available, individuals must register no later than Friday, April 26, 2024; 3 p.m. (ET) at: <https://forms.office.com/g/g1g81RRpr1>.

Interested members of the public may provide either oral or written comments to ISAC for consideration. Oral comments may be given during designated times as specified in the meeting agenda. Written comments must be submitted by email to Kelsey Brantley at [kelsey\\_brantley@ios.doi.gov](mailto:kelsey_brantley@ios.doi.gov), no later than 3 p.m. (ET) each meeting day. All written comments will be provided to members of the ISAC. Due to time constraints during the virtual meeting, written public statements will be submitted directly into the record.

Depending on the number of people who want to comment during the time available, the length of individual oral comments may be limited. Requests to address the ISAC during the meeting will be accommodated in the order the requests are received. Individuals who wish to expand upon their oral statements, or those who had wished to speak but could not be accommodated on the agenda, may submit written comments to Kelsey Brantley at [kelsey\\_brantley@ios.doi.gov](mailto:kelsey_brantley@ios.doi.gov), up to 30 days following the meeting.

All comments will be made part of the public record and will be electronically distributed to all ISAC members. Detailed minutes of the meeting will be available for public inspection within 90 days of the meeting.

**Meeting Accessibility/Special Accommodations:** The meeting is open to the public. Registration is required (see *Meeting Registration* above). Please make requests in advance for sign language interpreter services, assistive listening devices, or other reasonable accommodations. We ask that you contact Kelsey Brantley at [kelsey\\_brantley@ios.doi.gov](mailto:kelsey_brantley@ios.doi.gov), at least seven (7) business days prior to the meeting to give the Department of the Interior sufficient time to process your request. All reasonable accommodation requests are managed on a case-by-case basis.

**Public Disclosure of Comments:** Before including your address, phone number, email address, or other personal identifying information in your written comments, you should be aware that your entire comment including your personal identifying information will be made publicly available. 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:** 5 U.S.C. ch. 10.

**Stanley W. Burgiel,**

*Executive Director, National Invasive Species Council.*

[FR Doc. 2024–03973 Filed 2–26–24; 8:45 am]

**BILLING CODE 4334–63–P**

## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

[19XD4523WS/DWSN0000.000000/  
DS61500000/DP.61501]

### Invasive Species Advisory Committee; Request for Nominations

**AGENCY:** Office of the Secretary, Interior

**ACTION:** Notice.

**SUMMARY:** The U.S. Department of the Interior, on behalf of the interdepartmental National Invasive Species Council (NISC), proposes to appoint new members to the Invasive Species Advisory Committee (ISAC). The Secretary of the Interior, acting as administrative lead, is requesting nominations for qualified persons to serve as members of the ISAC.

**DATES:** Nominations must be postmarked by April 29, 2024.

**ADDRESSES:** Electronic nominations packages are preferred and should be sent to [invasive\\_species@ios.doi.gov](mailto:invasive_species@ios.doi.gov). As necessary, hard copy nominations can be sent to Stanley W. Burgiel, Executive Director, National Invasive Species Council (OS/NISC), Regular/Express Mail: 1849 C Street NW, (Mailstop 3530), Washington, DC 20240.

### FOR FURTHER INFORMATION CONTACT:

Kelsey Brantley, NISC Operations Director, at (202) 208–4122, or by email at [Kelsey\\_Brantley@ios.doi.gov](mailto:Kelsey_Brantley@ios.doi.gov).

### SUPPLEMENTARY INFORMATION: Advisory Committee Scope and Objectives:

Executive Order (E.O.) 13112 authorized the National Invasive Species Council (NISC) to provide interdepartmental coordination, planning, and leadership for the Federal Government on the prevention, eradication, and control of invasive species. This authorization was reiterated in E.O. 13751. NISC is currently comprised of the senior-most leadership of thirteen Federal Departments/Agencies and three Executive Offices of the President. The Co-chairs of NISC are the Secretaries of the Interior, Agriculture, and Commerce. The Invasive Species Advisory Committee (ISAC) advises NISC. NISC is requesting nominations for individuals to serve on the ISAC.

NISC provides high-level interdepartmental coordination of Federal invasive species actions and works with other Federal and non-Federal groups to address invasive species issues at the national level. NISC duties, consistent with E.O. 13751, are to provide national leadership necessary to coordinate, sustain and expand efforts to safeguard the interest of the United States through the prevention, eradication and control of invasive species through the restoration of ecosystems and other assets impacted by invasive species. These duties and work priorities are further identified and outlined in NISC's annual Work Plans.

The Invasive Species Advisory Committee (ISAC) advises NISC. ISAC is chartered under the Federal Advisory Committee Act (FACA; 5 U.S.C. ch. 10).

At the request of NISC, ISAC provides advice to NISC members on topics related to NISC's duties as described above, and emerging issues prioritized by the Administration. As a multi-stakeholder advisory committee, ISAC is intended to play a key role in recommending plans and actions to be taken in different sectors, geographies, and/or scales to accomplish the activities set forth in NISC Work Plans. It is hoped that, collectively, ISAC will represent the views of the broad range of individuals and communities knowledgeable of and affected by invasive species. NISC is requesting nominations for individuals to serve on the ISAC.

#### *Membership Criteria:*

Prospective members of ISAC should meet the following criteria:

1. knowledge related to the prevention, eradication, and/or control of invasive species;
2. familiarity with relevant Federal government programs and policy making procedures, as well as their interface with non-Federal entities;
3. experience in advising individuals in leadership positions;
4. demonstrated ability to network with and/or represent interests of their peer-community of interest; and
5. teamwork, project management, and communication skills.

ISAC members need not be scientists. Membership from a wide range of disciplines and professional sectors is encouraged. At this time, we are particularly interested in applications from representatives of: Non-Federal government agencies (e.g., State, Territorial, Tribal, local); academia, research institutions, and scientific societies; the private sector and industry/trade associations; landowners, farmers, ranchers, foresters and other resource users; public health specialists; regional organizations and citizen scientists, recreationists, and other public interest groups. Additionally, ISAC will include one representative from each of the following organizations, serving in a non-voting, "adviser" capacity: The Association of Fish and Wildlife Agencies (AFWA); the National Association of Conservation Districts (NACD); the National Association of State Departments of Agriculture (NASDA); the National Plant Board (NPB); The Native American Fish and Wildlife Society (NAFWS); and the North American Invasive Species Management Association (NAISMA).

After consultation with the other members of NISC, the Secretary of the Interior will appoint members to ISAC. Members will be selected based on their

individual qualifications as detailed in their nomination package, as well as the overall need to achieve a balanced representation of viewpoints, subject matter expertise, regional knowledge, and representation of communities of interest. ISAC member terms are limited to two (2) years from their date of appointment to ISAC. Following completion of their first term, an ISAC member may request consideration for reappointment (see *How to Nominate* section below); however, reappointment is NOT guaranteed.

ISAC will hold approximately one or two in-person or virtual meetings per year. Between meetings, ISAC members are expected to participate in committee work via web-based meetings, teleconferences, and email exchanges. Members of the ISAC and its subcommittees serve without pay. However, while away from their homes or regular places of business in the performance of services of the ISAC, members may be reimbursed for travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the government service, as authorized by 5 U.S.C. 5703. Employees of the Federal Government ARE NOT eligible for nomination or appointment to ISAC.

Individuals who are federally registered lobbyists are ineligible to serve on all FACA and non-FACA boards, committees, or councils in an individual capacity. The term "individual capacity" refers to individuals who are appointed to exercise their own individual best judgment on behalf of the government, such as when they are designated Special Government Employees, rather than being appointed to represent a particular interest.

As appropriate, certain ISAC members may be appointed as special Government employees (SGEs). Please be aware that applicants selected to serve as SGEs will be required, prior to appointment, to file a Confidential Financial Disclosure Report, to avoid involvement in real or apparent conflicts of interest. Applicants can access a copy of the Confidential Financial Disclosure Report at: [https://www.oge.gov/Web/OGES.nsf/0/2026049D943E0C34852585B6005A23CE/\\$FILE/OGES%20Form%20450%20Sep%202023%20accessible.pdf?open](https://www.oge.gov/Web/OGES.nsf/0/2026049D943E0C34852585B6005A23CE/$FILE/OGES%20Form%20450%20Sep%202023%20accessible.pdf?open).

Additionally, after appointment, members appointed as SGEs will be required to meet applicable financial disclosure and ethics training requirements. Please contact (202) 208-7960 or [DOI\\_Ethics@sol.doi.gov](mailto:DOI_Ethics@sol.doi.gov) with any questions about the ethics

requirements for members appointed as SGEs.

#### *How to Nominate:*

Nomination packets should include a resume that provides an adequate description of the nominee's qualifications, which specifically relate to the criteria stated in this notice (see *Membership Criteria* section, para. 1). Included content should enable the Department of the Interior to evaluate the nominee's potential to meet the membership requirements of the Committee. To enable the Department of the Interior to contact a potential member, all nomination packets must include, at a minimum, the nominee's name and a valid email address. Nominees are strongly encouraged to include supporting letters from employers, associations, professional organizations, and/or other organizations that indicate support for the nominee by a meaningful constituency. Nomination packets should be no more than twelve pages.

In addition to submitting the nomination packet as described, *current ISAC members seeking reappointment* must also provide details of their accomplishments and contributions which support their selection for a second term. Again, reappointment is NOT guaranteed.

All nominations must designate which stakeholder group or community the nominee will represent (see *Membership Criteria* above, for stakeholder groups and required qualifications). All required documents and any letters of support must be submitted in a SINGLE nomination package. Incomplete packages, packages missing the nominee's contact information, or those with documents submitted separately WILL NOT be considered.

Nominations must be received no later than April 29, 2024. Electronic nominations packages are preferred and should be sent to [invasive\\_species@ios.doi.gov](mailto:invasive_species@ios.doi.gov). As necessary, hard copy nominations can be sent to Stanley W. Burgiel, Executive Director, National Invasive Species Council (OS/NISC), Regular Mail: 1849 C Street NW, (Mailstop 3530), Washington, DC, 20240.

*Authority:* 5 U.S.C. ch. 10.

**Stanley W. Burgiel,**

*Executive Director, National Invasive Species Council.*

[FR Doc. 2024-03974 Filed 2-26-24; 8:45 am]

**BILLING CODE 4334-63-P**



**DEPARTMENT OF JUSTICE****[OMB Number 1125–0003]****Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Previously Approved Collection; Fee Waiver Request (EOIR–26A)****AGENCY:** Executive Office for Immigration Review, Department of Justice.**ACTION:** 60-Day notice.**SUMMARY:** The Executive Office for Immigration Review, Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.**DATES:** Comments are encouraged and will be accepted for 60 days until April 29, 2024.**FOR FURTHER INFORMATION CONTACT:** If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Raechel Horowitz, Chief, Immigration Law Division, Office of Policy, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2500, Falls Church, VA 22041, telephone: (703) 305–0473, [Raechel.Horowitz@usdoj.gov](mailto:Raechel.Horowitz@usdoj.gov).**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the

public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

**Abstract:** The information on the fee waiver request form is used by the Board of Immigration Appeals and the Office of the Chief Immigration Judge to determine whether the requisite fee for an application, motion or appeal will be waived due to an individual's financial situation.

**Overview of This Information Collection**

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *The Title of the Form/Collection:* Fee Waiver Request.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is EOIR–26A, Executive Office for Immigration Review, United States Department of Justice.

4. *Affected public who will be asked or required to respond, as well as the obligation to respond:* An individual submitting an appeal or motion to the Board of Immigration Appeals. An individual submitting an application or motion to the Office of the Chief Immigration Judge. Attorneys and qualified representatives representing an alien in immigration proceedings before EOIR. The obligation to respond is required to obtain/retain a benefit (fee waiver).

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated number of respondents for the Form EOIR–26A is 2,124. The estimated time per response is 1 hour.

6. *An estimate of the total annual burden (in hours) associated with the collection:* The total annual burden hours for this collection is 2,124 hours.

7. *An estimate of the total annual cost burden associated with the collection, if applicable:* There are no capital or start-up costs associated with this information collection. The estimated public cost is zero.

**TOTAL BURDEN HOURS**

Activity	Number of respondents	Frequency	Total annual responses	Time per response (hours)	Total annual burden (hours)
Form EOIR–26A .....	2,124	1/annually .....	2,124	1	2,124
<i>Unduplicated Totals</i> .....	2,124	.....	2,124	.....	2,124

If additional information is required contact: Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 4W–218, Washington, DC.

Dated: February 21, 2024.

**Darwin Arceo,***Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2024–03950 Filed 2–26–24; 8:45 am]

**BILLING CODE 4410–30–P****DEPARTMENT OF LABOR****Agency Information Collection Activities; Submission for OMB Review; Comment Request; Overhead and Gantry Cranes Standard****ACTION:** Notice of availability; request for comments.**SUMMARY:** The Department of Labor (DOL) is submitting this Occupational Safety & Health Administration (OSHA)-sponsored information collection request (ICR) to the Office of



Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that the agency receives on or before March 28, 2024.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

**FOR FURTHER INFORMATION CONTACT:** Nicole Bouchet by telephone at 202–693–0213, or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**SUPPLEMENTARY INFORMATION:** The paperwork provisions of the Standard specify requirements for marking the rated load of cranes, preparing certification records to verify the inspection of the crane hooks, hoist chains, and rope, and preparing reports of rated load test for repaired hooks or modified cranes. Records and reports must be maintained and disclosed upon request. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on December 4, 2024 (88 FR 84174).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

*Agency:* DOL–OSHA.

*Title of Collection:* Overhead and Gantry Cranes Standard.

*OMB Control Number:* 1218–0224.

*Affected Public:* Private Sector—Businesses or other for-profits.

*Total Estimated Number of Respondents:* 31,495.

*Total Estimated Number of Responses:* 642,566.

*Total Estimated Annual Time Burden:* 321,345 hours.

*Total Estimated Annual Other Costs Burden:* \$0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

**Nicole Bouchet,**  
*Certifying Official.*

[FR Doc. 2024–03941 Filed 2–26–24; 8:45 am]

**BILLING CODE 4510–26–P**

## DEPARTMENT OF LABOR

### Bureau of Labor Statistics

#### Information Collection Activities; Comment Request

**AGENCY:** Bureau of Labor Statistics, Department of Labor.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed extension without change of the "Veterans Supplement to the Current Population Survey (CPS)," to be conducted in August 2024, August 2025, and August 2026. A copy of the proposed information collection request can be obtained by contacting the individual

listed below in the **ADDRESSES** section of this notice.

**DATES:** Written comments must be submitted to the office listed in the **ADDRESSES** section of this notice on or before April 29, 2024.

**ADDRESSES:** Send comments to Erin Good, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room G225, 2 Massachusetts Avenue NE, Washington, DC 20212. Written comments also may be transmitted by email to [BLS\\_PRA\\_Public@bls.gov](mailto:BLS_PRA_Public@bls.gov).

**FOR FURTHER INFORMATION CONTACT:** Erin Good, BLS Clearance Officer, at 202–691–7628 (this is not a toll free number). (See **ADDRESSES** section.)

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The CPS has been the principal source of official Government statistics on employment and unemployment since 1940 (75 years). Collection of labor force data through the CPS is necessary to meet the requirements in Title 29, United States Code, Sections 1 and 2. The Veterans Supplement provides information on the labor force status of veterans with a service-connected disability, combat veterans, past or present National Guard and Reserve members, and recently discharged veterans. Afghanistan, Iraq, and Vietnam veterans are identified by location of service. Also, questions include items about veterans' transition from Active Duty to civilian employment, details about working with service-connected disabilities, awareness of VA benefits, and work duties while in the Armed Forces. Data are provided by period of service and a range of demographic characteristics. The supplement also provides information on veterans' participation in various transition and employment and training programs. The data collected through this supplement will be used by the U.S. Department of Labor's Veterans Employment and Training Service (VETS) and the U.S. Department of Veterans Affairs (VA) to determine policies that better meet the needs of our Nation's veteran population.

##### II. Current Action

Office of Management and Budget clearance is being sought for the Veterans Supplement to the CPS.

An extension without change of a currently approved collection is needed to continue to provide the Nation with timely information about the labor force status of veterans with a service-connected disability, combat veterans,

past or present National Guard and Reserve members, recently discharged veterans, and veterans who have served in Afghanistan, Iraq, or Vietnam. In addition, the Veterans Supplement will provide information to assist VA and VETS to develop programs and policies that smooth veterans' transition into civilian employment, including for veterans with service-connected disabilities.

### 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:* Veterans Supplement to the CPS.

*OMB Number:* 1220-0102.

*Type of Review:* Extension.

*Affected Public:* Households and individuals.

*Total Respondents:* 5,500.

*Frequency:* Annually.

*Total Responses:* 5,500.

*Average Time per Response:* 4.25 minutes.

*Estimated Total Burden Hours:* 390 hours.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

Signed at Washington, DC, on February 20, 2024.

**Leslie A. Bennett,**

*Chief, Division of Management Systems.*

[FR Doc. 2024-03942 Filed 2-26-24; 8:45 am]

**BILLING CODE 4510-24-P**

## OFFICE OF MANAGEMENT AND BUDGET

### Office of Federal Procurement Policy

#### Cost Accounting Standards Board Meeting Agenda

**AGENCY:** Cost Accounting Standards Board, Office Federal Procurement Policy, Office of Management and Budget.

**ACTION:** Notice of agenda for Closed Cost Accounting Standards Board meetings.

**SUMMARY:** The Office of Federal Procurement Policy (OFPP), Cost Accounting Standards Board (CAS Board) is publishing this notice to advise the public of its recent and upcoming meetings. The meetings are closed to the public.

**ADDRESSES:** New Executive Office Building, 725 17th Street NW, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** John L. McClung, Manager, Cost Accounting Standards Board (telephone: 202-881-9758; email: [john.l.mcclung2@omb.eop.gov](mailto:john.l.mcclung2@omb.eop.gov)).

**SUPPLEMENTARY INFORMATION:** The CAS Board is issuing this notice to inform the public of the discussion topics for recent meetings held on January 17, 2024 and February 20, 2024, and for a meeting scheduled March 11, 2024. The list of agenda items for these meetings is set forth below. While CAS Board meetings are closed to the public, the Board welcomes comments and inquiries, which may be directed to the manager using the contact information provided above. The Board is interested in specific comments on the prioritization of cases on the open docket and on any additional issues that the Board should consider.

#### Agenda for CAS Board Meetings During the Second Quarter, Fiscal Year 2024

1. *Conformance of CAS to Generally Accepted Accounting Principles (GAAP).* 41 U.S.C. 1501(c)(2) requires the CAS Board to review and conform CAS, where practicable, to GAAP. In furtherance of section 1501(c)(2), the CAS Board will consider the following: (1) issuance of a Notice of Proposed Rule Making addressing the impact of GAAP changes to operating revenue and lease accounting based on the public comments received in response to the Advanced Notice of Proposed Rule Making (ANPRM) (85 FR 70572, November 5, 2020); (2) issuance of an ANPRM addressing conformance of CAS 408, *Accounting for costs of compensated personal absence*, and CAS 409, *Cost accounting standard*

*depreciation of tangible capital assets*, to GAAP based on public comments received in response to the Staff Discussion Paper (84 FR 9143, March 2019); (3) whether and what type of accounting change conformance of CAS to GAAP might trigger and the associated implications.

2. *Application of CAS to Indefinite Delivery Vehicle (IDVs) contracts.* The Board will discuss a draft notice seeking public comment on application of CAS monetary thresholds to IDV contracts.

3. *Pension Harmonization for Extraordinary Events.* The Board will discuss an ANPRM to modify CAS 412 and CAS 413. The ANPRM would be a follow-on to a rulemaking issued in 2011 required by the Pension Protection Act (PPA) of 2006. The purpose of the ANPRM is to reconcile the application of the PPA and the CAS adjustment of pension costs for extraordinary events (i.e., curtailment of pension plan benefits, termination of plans, and the accounting of pension plan assets or liabilities following the sale or closing of a corporate segment).

4. *Waivers.* Section 820 of the National Defense Authorization Act for FY 2017, amended section 1502(b)(3)(A) of title 41 of the United States Code to raise the threshold under which CAS may be waived if the business unit of the contractor or subcontractor that will perform the work is primarily engaged in the sale of commercial items and would not otherwise be subject to CAS. Section 820 raised the threshold from \$15 million to \$100 million. The Board will discuss a rulemaking to amend the CAS to reflect this statutory threshold change.

5. *Public input.* The Board will reserve time to discuss suggestions received from the public in response to this notice.

The notice is published pursuant to 41 U.S.C. 1501(d), which requires the CAS Board to publish agendas of its meetings in the **Federal Register**.

**Christine J. Harada,**

*Senior Advisor, Office of Federal Procurement Policy, and Chair, Cost Accounting Standards Board, Performing, by Delegation, the Duties of the Administrator for Federal Procurement Policy.*

[FR Doc. 2024-03891 Filed 2-26-24; 8:45 am]

**BILLING CODE 3110-01-P**

## NATIONAL CREDIT UNION ADMINISTRATION

### Privacy Act of 1974: Systems of Records

**AGENCY:** National Credit Union Administration.

**ACTION:** Notice of a modified system of records.

**SUMMARY:** This notice informs the public of the National Credit Union Administration's (NCUA's) proposal to modify system of records notice NCUA-16. This system allows the NCUA to administer leave transfer and leave bank programs.

**DATES:** Submit comments on or before March 28, 2024. Modifications to this system will be effective immediately, and new routine uses will be effective on March 28, 2024.

**ADDRESSES:** You may submit comments by any of the following methods, but please send comments by one method only:

- *Mail:* Address to Melane Conyers-Ausbrooks, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314-3428.

- *Hand Delivery/Courier:* Same as mail address.

- *Email:* Comments may be sent to [Privacy@ncua.gov](mailto:Privacy@ncua.gov).

**FOR FURTHER INFORMATION CONTACT:** Jennifer Harrison, Attorney-Advisor, Office of General Counsel, (703) 518-6540.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Privacy Act of 1974, the NCUA proposes modifying NCUA-16 to provide new routine uses in accordance with Office of Management and Budget (OMB) Memorandum M-17-12 and to update the format in accordance with OMB Circular A-108. Additionally, the NCUA is making substantive changes to the system of records notice to reflect that the system covers information used to manage the NCUA's leave transfer and leave bank programs.

The NCUA is making the changes to the following sections of the system of records notice: change to System Name, Classification, System Location, Authority for Maintenance of the System, Purpose(s) of the System, Categories of Individuals Covered by the System, Categories of Records in the System, Record Source Categories, Routine Uses of Records Maintained in the System, Policies and Practices for Storage of Records, Policies and Practices for Retrieval of Records, Policies and Practices for Retention and Disposal of Records, Administrative, Technical, and Physical Safeguards, Record Access Procedures, Contesting Record Procedures, Notification Procedures, Exemptions Promulgated for the System, and History.

The format of the published SORN aligns with the guidance set forth in OMB Circular A-108.

By the National Credit Union Administration Board on February 21, 2024.

**Melane Conyers-Ausbrooks,**  
*Secretary of the Board.*

**SYSTEM NAME AND NUMBER:**

Leave Transfer and Leave Bank Program Case Files, NCUA-16.

**SYSTEM CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Office of Human Resources, National Credit Union Administration (NCUA), 1775 Duke Street, Alexandria, VA 22314-3428.

**SYSTEM MANAGER(S):**

Director, Office of Human Resources, NCUA, 1775 Duke Street, Alexandria, VA 22314-3428.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 6331, *et seq.*; 5 U.S.C. 6361, *et seq.*; 12 U.S.C. 1766(j)(2); 5 CFR part 640, subparts I and J.

**PURPOSE(S) OF THE SYSTEM:**

To administer the NCUA leave transfer and leave bank programs.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

NCUA employees who submit applications to become leave recipients and donors under the provisions of the Leave Transfer and Leave Bank programs.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Leave transfer and leave bank program applications, and medical documentation supporting the application to become a leave recipient.

**RECORD SOURCE CATEGORIES:**

Individual, individual's designated representative, individual's leave records, and other Federal employees.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:**

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the NCUA as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

1. If a record in a system of records indicates a violation or potential violation of civil or criminal law or a regulation, and whether arising by general statute or particular program statute, or by regulation, rule, or order, the relevant records in the system or records may be disclosed as a routine use to the appropriate agency, whether Federal, State, local, or foreign, charged

with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto;

2. A record from a system of records may be disclosed as a routine use to a member of Congress or to a congressional staff member in response to an inquiry from the congressional office made at the request of the individual about whom the record is maintained;

3. Records in a system of records may be disclosed as a routine use to the Department of Justice, when: (a) NCUA, or any of its components or employees acting in their official capacities, is a party to litigation; or (b) Any employee of NCUA in his or her individual capacity is a party to litigation and where the Department of Justice has agreed to represent the employee; or (c) The United States is a party in litigation, where NCUA determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and NCUA determines that use of such records is relevant and necessary to the litigation;

4. Records in a system of records may be disclosed as a routine use in a proceeding before a court or adjudicative body before which NCUA is authorized to appear (a) when NCUA or any of its components or employees are acting in their official capacities; (b) where NCUA or any employee of NCUA in his or her individual capacity has agreed to represent the employee; or (c) where NCUA determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and NCUA determines that use of such records is relevant and necessary to the litigation;

5. A record from a system of records may be disclosed as a routine use to contractors, experts, consultants, and the agents thereof, and others performing or working on a contract, service, cooperative agreement, or other assignment for NCUA when necessary to accomplish an agency function or administer an employee benefit program. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to NCUA employees;

6. To appropriate agencies, entities, and persons when (1) the NCUA suspects or has confirmed that there has been a breach of the system of records, (2) the NCUA has determined that as a result of the suspected or confirmed

breach there is a risk of harm to individuals, the NCUA (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the NCUA's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm; and

7. To another Federal agency or Federal entity, when the NCUA determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

#### **POLICIES AND PRACTICES FOR STORAGE OF RECORDS:**

Electronic records and backups are stored on secure servers, approved by NCUA's Office of the Chief Information Officer (OCIO), and accessed only by authorized personnel.

#### **POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:**

Records are retrieved by name.

#### **POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:**

Records are maintained and disposed in accordance with the General Records Retention Schedules issued by the National Archives and Records Administration (NARA) or an NCUA records disposition schedule approved by NARA.

#### **ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:**

NCUA has implemented the appropriate administrative, technical, and physical controls in accordance with the Federal Information Security Modernization Act of 2014, Pub. L. 113-283, S. 2521, and NCUA's information security policies to protect the confidentiality, integrity, and availability of the information system and the information contained therein. Access is limited only to individuals authorized through NIST-compliant Identity, Credential, and Access Management policies and procedures. The records are maintained behind a layered defensive posture consistent with all applicable Federal laws and regulations, including Office of Management and Budget (OMB)

Circular A-130 and NIST Special Publication 800-37.

#### **RECORD ACCESS PROCEDURES:**

Individuals wishing access to their records should submit a written request to the Senior Agency Official for Privacy, NCUA, 1775 Duke Street, Alexandria, VA 22314, and provide the following information:

1. Full name.
2. Any available information regarding the type of record involved.
3. The address to which the record information should be sent.
4. You must sign your request.

Attorneys or other persons acting on behalf of an individual must provide written authorization from that individual for the representative to act on their behalf. Individuals requesting access must also comply with NCUA's Privacy Act regulations regarding verification of identity and access to records (12 CFR 792.55).

#### **CONTESTING RECORD PROCEDURES:**

Individuals wishing to request an amendment to their records should submit a written request to the Senior Agency Official for Privacy, NCUA, 1775 Duke Street, Alexandria, VA 22314, and provide the following information:

1. Full name.
  2. Any available information regarding the type of record involved.
  3. A statement specifying the changes to be made in the records and the justification therefore.
  4. The address to which the response should be sent.
  5. You must sign your request.
- Attorneys or other persons acting on behalf of an individual must provide written authorization from that individual for the representative to act on their behalf.

#### **NOTIFICATION PROCEDURES:**

Individuals wishing to learn whether this system of records contains information about them should submit a written request to the Senior Agency Official for Privacy, NCUA, 1775 Duke Street, Alexandria, VA 22314, and provide the following information:

1. Full name.
2. Any available information regarding the type of record involved.
3. The address to which the record information should be sent.
4. You must sign your request.

Attorneys or other persons acting on behalf of an individual must provide written authorization from that individual for the representative to act on their behalf. Individuals requesting access must also comply with NCUA's

Privacy Act regulations regarding verification of identity and access to records (12 CFR 792.55).

**EXEMPTIONS PROMULGATED FOR THE SYSTEM:**  
None.

#### **HISTORY:**

71 FR 77807 (Dec. 27, 2006); 75 FR 41539 (July 16, 2010).

[FR Doc. 2024-03896 Filed 2-26-24; 8:45 am]

**BILLING CODE 7535-01-P**

## **NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES**

### **Institute of Museum and Library Services**

#### **Notice of Proposed Information Collection Requests: IMLS National Leadership Grants for Libraries and the IMLS Laura Bush 21st Century Librarian Program Notices of Funding Opportunity**

**AGENCY:** Institute of Museum and Library Services, National Foundation on the Arts and the Humanities.

**ACTION:** Notice, request for comments, collection of information.

**SUMMARY:** The Institute of Museum and Library Services (IMLS), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act. This pre-clearance consultation program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The purpose of this Notice is to solicit comments concerning two grant programs targeting the needs of libraries and their communities nationwide: IMLS National Leadership Grants for Libraries and the IMLS Laura Bush 21st Century Librarian Program. A copy of the proposed information collection request can be obtained by contacting the individual listed below in the **ADDRESSES** section of this Notice.

**DATES:** Written comments must be submitted to the office listed in the addressee section below on or before April 27, 2024.

**ADDRESSES:** Send comments to Sandra Narva, Acting Director of Grants Policy

and Management, Office of Grants Policy and Management, Institute of Museum and Library Services, 955 L'Enfant Plaza North SW, Suite 4000, Washington, DC 20024–2135. Ms. Narva can be reached by telephone: 202–653–4634, or by email at [snarva@imls.gov](mailto:snarva@imls.gov). Office hours are from 8:30 a.m. to 5 p.m., E.T., Monday through Friday, except Federal holidays. Persons who are deaf or hard of hearing (TTY users) can contact IMLS at 202–207–7858 via 711 for TTY-Based Telecommunications Relay Service.

**FOR FURTHER INFORMATION CONTACT:**

Anthony D. Smith, Associate Deputy Director, Office of Library Services Discretionary Programs, Institute of Museum and Library Services, 955 L'Enfant Plaza North SW, Suite 4000, Washington, DC 20024–2135. Mr. Smith can be reached by telephone at 202–653–4716, or by email at [asmith@imls.gov](mailto:asmith@imls.gov). Persons who are deaf or hard of hearing (TTY users) can contact IMLS at 202–207–7858 via 711 for TTY-Based Telecommunications Relay Service.

**SUPPLEMENTARY INFORMATION:** IMLS is particularly interested in public comments that help the agency to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques, or other forms of information technology, e.g., permitting electronic submissions of responses.

## I. Background

IMLS is the primary source of Federal support for the Nation's libraries and museums. We advance, support, and empower America's museums, libraries, and related organizations through grant making, research, and policy development. To learn more, visit [www.imls.gov](http://www.imls.gov).

## II. Current Actions

The IMLS National Leadership Grants for Libraries Program supports projects that enhance the quality of library and archive services nationwide by

advancing theory and practice and by generating results such as new tools, research findings, models, services, practices, or collaborative approaches that can be widely used, adapted, scaled, or replicated to extend the benefits of Federal investment.

The IMLS Laura Bush 21st Century Librarian Program supports developing a diverse workforce of librarians to better meet the changing learning and information needs of the American public by enhancing the training and professional development of library and archives professionals; developing faculty and library leaders; and recruiting, educating, and retaining the next generation of library and archives professionals.

This action is to renew the content, forms, and instructions for each of the two Notices of Funding Opportunity for the next three years.

**Agency:** Institute of Museum and Library Services.

**Title:** IMLS National Leadership Grants for Libraries and the IMLS Laura Bush 21st Century Librarian Program Notices of Funding Opportunity.

**OMB Control Number:** 3137–0091.

**Agency Number:** 3137.

**Respondents/Affected Public:** Library applicants.

**Total Estimated Number of Annual Respondents:** 400.

**Frequency of Response:** One per request.

**Average Hours per Response:** 45.

**Total Estimated Number of Annual Burden Hours:** 18,000.

**Total Annual Cost Burden:** \$560,520.

**Total Annual Federal Costs:** \$90,783.

**Public Comments Invited:** Comments submitted in response to this Notice will be summarized and/or included in the request for OMB's clearance of this information collection.

Dated: February 22, 2024.

**Suzanne Mbollo,**

*Grants Management Specialist, Institute of Museum and Library Services.*

[FR Doc. 2024–03983 Filed 2–26–24; 8:45 am]

**BILLING CODE 7036–01–P**

**ACTION:** Submission for OMB review, comment request, collection of information.

**SUMMARY:** The Institute of Museum and Library Services (IMLS) announces the following information collection has been submitted to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This program helps to ensure that requested data can be provided in the agency's desired format; that respondents' reporting burden (time and financial resources) is minimized; that collection instruments are clearly understood and cover material to which respondents can be responsive; and, that the impact of collection requirements on respondents can be properly assessed. This notice proposes the renewal of a generic clearance to Conduct Pre-Testing of Surveys, comprising of quantitative and qualitative data collection instruments and their related data collection procedures, in order to improve the quality and usability of information collection instruments. For more information on the types of proposed information collection requests for pre-testing survey IMLS may administer, contact the individual listed below in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

**DATES:** Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before March 24, 2024.

**ADDRESSES:** Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this Notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection request by selecting "Institute of Museum and Library Services" under "Currently Under Review;" then check "Only Show ICR for Public Comment" checkbox. Once you have found this information collection request, select "Comment," and enter or upload your comment and information. Alternatively, please mail your written comments to the 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:** Jake Soffronoff, Survey Methodologist, Office of Research and Evaluation, Institute of Museum and Library Services, 955 L'Enfant Plaza North SW, Suite 4000, Washington, DC 20024–2135. Mr. Soffronoff can be reached by telephone: 202–653–4648, or by email at

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### Institute of Museum and Library Services

#### Submission for OMB Review, Comment Request, Proposed Collection: Generic Clearance To Conduct Pre-Testing of Surveys

**AGENCY:** Institute of Museum and Library Services, National Foundation on the Arts and the Humanities.

[jsoffronoff@imls.gov](mailto:jsoffronoff@imls.gov). Persons who are deaf or hard of hearing (TTY users) can contact IMLS at 202–207–7858 via 711 for TTY-Based Telecommunications Relay Service.

**SUPPLEMENTARY INFORMATION:** 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).

**Background:** IMLS is the primary source of Federal support for the nation's libraries and museums. We advance, support, and empower America's museums, libraries, and related organizations through grant making, research, and policy development. Our vision is a nation where museums and libraries work together to transform the lives of individuals and communities. To learn more, visit [www.imls.gov](http://www.imls.gov).

**Current Actions:** This notice proposes a new three-year Generic Clearance to Conduct Pre-Testing of Surveys that will allow the agency to develop, test, and improve its surveys and methodologies. IMLS envisions using a variety of techniques including but not limited to tests of various types of survey operations, focus groups, cognitive interviews and laboratory activities, respondent debriefing questionnaires, field tests, pilot testing, exploratory interviews, experiments with questionnaire design, and user experience testing in order to identify questionnaire and procedural problems, suggest solutions, and measure the relative effectiveness of alternative solutions. Following standard OMB requirements, IMLS will submit a change request to OMB for each data collection activity undertaken under this generic clearance. Participants in some of these pre-testing activities may be subject to the safeguards provided by

the Privacy Act of 1974 (5 U.S.C. 552a). If any pre-testing activities are covered, you will find more information in a forthcoming System of Records Notice. IMLS will provide OMB with the instruments and supporting materials describing the research project and specific pre-testing activities.

The 60-Day Notice was published in the **Federal Register** on December 18, 2023 (88 FR 87462) (Document Number 2023–27694). No comments were received under this notice.

**Agency:** Institute of Museum and Library Services.

**Title of Collection:** Generic Clearance to Conduct Pre-Testing of Surveys.

**OMB Control Number:** 3137–0125.

**Agency Number:** 3137.

**Affected Public:** State, local, and Tribal governments; libraries; museums.

**Total Estimated Number of Annual Responses:** 4,225.

**Frequency of Response:** Once per request.

**Average Minutes per Response:** 30.

**Total Estimated Number of Annual Burden Hours:** 2,113.

**Total Annual Cost Burden:** \$67,178.

**Total Annual Federal Costs:** \$11,004.

Dated: February 20, 2024.

**Suzanne Mbollo,**

*Grants Management Specialist, Institute of Museum and Library Services.*

[FR Doc. 2024–03786 Filed 2–26–24; 8:45 am]

**BILLING CODE 7036–01–P**

## OFFICE OF PERSONNEL MANAGEMENT

### Civil Service Retirement System Board of Actuaries Meeting

**AGENCY:** Office of Personnel Management.

**ACTION:** Notice of meeting.

**SUMMARY:** The purpose of this meeting is for the Civil Service Retirement System Board of Actuaries to review the actuarial methods and assumptions used in the valuations of the Civil Service Retirement and Disability Fund (CSRDF).

**DATES:** The Civil Service Retirement System Board of Actuaries plans to meet on Friday, May 17, 2024.

**ADDRESSES:** The meeting will start at 10 a.m. EDT and will be held at the U.S. Office of Personnel Management (OPM), 1900 E Street NW, Washington, DC 20415.

#### FOR FURTHER INFORMATION CONTACT:

Gregory Kissel, Senior Actuary for Pension Programs, U.S. Office of Personnel Management, 1900 E Street NW, Room 4316, Washington, DC

20415, or by email to [actuary@opm.gov](mailto:actuary@opm.gov) or by phone at (202) 606–1774.

#### SUPPLEMENTARY INFORMATION:

##### Agenda

1. Summary of Recent Legislative proposals
2. Review of Actuarial Assumptions
  - a. Demographic Assumptions
  - b. Economic Assumptions
3. CSRDF Annual Report

Persons desiring to attend this meeting of the Civil Service Retirement System Board of Actuaries, or to make a statement for consideration at the meeting, should contact OPM at least 5 business days in advance of the meeting date at the address shown in the **ADDRESSES** section of this notice. Any detailed information or analysis requested for the Board to consider should be submitted at least 15 business days in advance of the meeting date. The manner and time for any material presented to or considered by the Board may be limited.

Office of Personnel Management.

**Kayyonne Marston,**

*Federal Register Liaison.*

[FR Doc. 2024–04011 Filed 2–26–24; 8:45 am]

**BILLING CODE 6325–64–P**

## OFFICE OF PERSONNEL MANAGEMENT

### Federal Prevailing Rate Advisory Committee Virtual Public Meeting

**AGENCY:** Office of Personnel Management.

**ACTION:** Notice.

**SUMMARY:** According to the provisions of section 10 of the Federal Advisory Committee Act, notice is hereby given that a virtual meeting of the Federal Prevailing Rate Advisory Committee will be held on Thursday, March 21, 2024. There will be no in-person gathering for this meeting.

**DATES:** The virtual meeting will be held on March 21, 2024, beginning at 10 a.m. (ET).

**ADDRESSES:** The meeting will convene virtually.

**FOR FURTHER INFORMATION CONTACT:** Ana Paunoiu, 202–606–2858, or email [pay-leave-policy@opm.gov](mailto:pay-leave-policy@opm.gov).

**SUPPLEMENTARY INFORMATION:** The Federal Prevailing Rate Advisory Committee is composed of a Chair, five representatives from labor unions holding exclusive bargaining rights for Federal prevailing rate employees, and five representatives from Federal agencies. Entitlement to membership on

the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the Prevailing Rate System and other matters pertinent to establishing prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management.

Annually, the Chair compiles a report of pay issues discussed and concluded recommendations. These reports are available to the public. Reports for calendar years 2008 to 2022 are posted at <http://www.opm.gov/fprac>. Previous reports are also available, upon written request to the Committee.

The public is invited to submit material in writing to the Chair on Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information on these meetings may be obtained by contacting the Committee at Office of Personnel Management, Federal Prevailing Rate Advisory Committee, Room 7H31, 1900 E Street NW, Washington, DC 20415, (202) 606-2858.

This meeting is open to the public, with an audio option for listening. This notice sets forth the participation guidelines for the meeting.

**Meeting Agenda.** The committee meets to discuss various agenda items related to the determination of prevailing wage rates for the Federal Wage System. The committee's agenda is approved one week prior to the public meeting and will be available upon request at that time.

**Public Participation:** The March 21, 2024, meeting of the Federal Prevailing Rate Advisory Committee is open to the public through advance registration. Public participation is available for the meeting. All individuals who plan to attend the virtual public meeting to listen must register by sending an email to [pay-leave-policy@opm.gov](mailto:pay-leave-policy@opm.gov) with the subject line "March 21, 2024" no later than Tuesday, March 19, 2024.

The following information must be provided when registering:

- Name.
- Agency and duty station.
- Email address.
- Your topic of interest.

Members of the press, in addition to registering for this event, must also RSVP to [media@opm.gov](mailto:media@opm.gov) by March 19, 2024.

A confirmation email will be sent upon receipt of the registration. Audio teleconference information for participation will be sent to registrants the morning of the virtual meeting.

Office of Personnel Management.

**Kayyonne Marston,**

*Federal Register Liaison.*

[FR Doc. 2024-04008 Filed 2-26-24; 8:45 am]

**BILLING CODE 6325-39-P**

## POSTAL REGULATORY COMMISSION

[Docket Nos. MC2024-194 and CP2024-200]

### New Postal Products

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

**DATES:** *Comments are due:* February 29, 2024.

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

**FOR FURTHER INFORMATION CONTACT:** David A. Trissell, General Counsel, at 202-789-6820.

### SUPPLEMENTARY INFORMATION:

#### Table of Contents

- I. Introduction
- II. Docketed Proceeding(s)

#### I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the Market Dominant or the Competitive product list, or the modification of an existing product currently appearing on the Market Dominant or the Competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.<sup>1</sup>

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern Market Dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern Competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

#### II. Docketed Proceeding(s)

1. *Docket No(s):* MC2024-194 and CP2024-200; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 192 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* February 21, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Cherry Yao; *Comments Due:* February 29, 2024.

This Notice will be published in the **Federal Register**.

**Erica A. Barker,**  
*Secretary.*

[FR Doc. 2024-04010 Filed 2-26-24; 8:45 am]

**BILLING CODE 7710-FW-P**

## POSTAL SERVICE

### International Product Change—Priority Mail Express International, Priority Mail International & First-Class Package International Service Agreement

**AGENCY:** Postal Service™.

**ACTION:** Notice.

**SUMMARY:** The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a Priority Mail Express International, Priority Mail International & First-Class Package International Service contract to the list of Negotiated Service Agreements in the

<sup>1</sup> See Docket No. RM2018-3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19-22 (Order No. 4679).



Competitive Product List in the Mail Classification Schedule.

**DATES:** *Date of notice:* February 27, 2024.

**FOR FURTHER INFORMATION CONTACT:** Christopher C. Meyerson, (202) 268–7820.

**SUPPLEMENTARY INFORMATION:** The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on February 16, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 37 to Competitive Product List*. Documents are available at [www.prc.gov](http://www.prc.gov), Docket Nos. MC2024–192 and CP2024–198.

**Sarah Sullivan,**

*Attorney, Ethics & Legal Compliance.*

[FR Doc. 2024–03892 Filed 2–26–24; 8:45 am]

**BILLING CODE 7710–12–P**

## THE PRESIDIO TRUST

### Privacy Act of 1974; System of Records

**AGENCY:** The Presidio Trust

**ACTION:** Notice of a new system of records.

**SUMMARY:** Pursuant to the provisions of the Privacy Act of 1974, as amended, the Presidio Trust is issuing a public notice of its intent to establish a communications solution, system of records, PRESIDIO TRUST/Department of Public Safety–01, Genasys Emergency Management (GEM) Mass Communications Software Solution.

**DATES:** This system of records is effective upon publication. New routine uses will be effective March 28, 2024.

**ADDRESSES:** You may send comments, identified by PRESIDIO TRUST/Department of Public Safety–01, via email to the interim Privacy Officer, within Presidio Trust's Department of Administration, Luke Donohue, [LDonohue@presidiotrust.gov](mailto:LDonohue@presidiotrust.gov) or via U.S. Mail, 1750 Lincoln Blvd., San Francisco, CA 94129.

**FOR FURTHER INFORMATION CONTACT:** Director of Administration, Luke Donohue, [LDonohue@presidiotrust.gov](mailto:LDonohue@presidiotrust.gov), or 415–561–5300.

**SUPPLEMENTARY INFORMATION:** The Presidio Trust, Department of Public Safety, is establishing PRESIDIO TRUST/Department of Public Safety 01, Genasys Emergency Management (GEM) Mass Communications Software Solution, systems of records. Genasys®

provides multi-channel mass communication delivered via text, email, and voice to key stakeholders in an emergency, and to select target audiences: Presidio Trust Staff; Presidio Park Residents and Commercial Tenants; and Presidio Park Visitors, Neighborhood Organizations, Partners, and Hospitality. Presidio Trust staff information is maintained as standard employee data. Genasys messaging is sent only to agency-issued email accounts and mobile devices. Presidio Resident and Commercial Tenant information is maintained in an existing leasing database; Genasys messaging is sent to email accounts and mobile devices provided by the recipient. Presidio Resident and Commercial Tenants are offered an opportunity to opt-out with every message. Presidio Park visitors and others self-opt into the system. These individuals provide their own email and/or mobile numbers and may opt-out at any time. Personal contact information will be used to contact and alert participants to public safety and emergencies that occur in the park. To the extent permitted by law, information may be shared with Federal, state, local, and tribal agencies, and organizations as authorized and compatible with the purpose of this system, or when proper and necessary, consistent with the routine uses set forth in this system of records notice.

#### SYSTEM NAME AND NUMBER:

PRESIDIO TRUST/Department of Public Safety 01, Genasys Emergency Management (GEM) Mass Communications Software Solution.

#### SECURITY CLASSIFICATION:

Unclassified.

#### SYSTEM LOCATION:

Presidio Trust, Department of Public Safety, 1750 Lincoln Boulevard, San Francisco, CA 94129. Genasys Inc., 16262 W Bernardo Drive, San Diego, CA 92127.

#### SYSTEM MANAGER(S):

Department of Public Safety, 1750 Lincoln Blvd., San Francisco, CA 94129, [Safety@presidiotrust.gov](mailto:Safety@presidiotrust.gov).

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552a.

#### PURPOSE(S) OF THE SYSTEM:

The primary purpose of this system is to provide a notification delivered via text, email, or voice in the event of an emergency situation.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by the system include Presidio Trust Staff, Presidio

Park Residents and Commercial Tenants, and Presidio Park Visitors, Neighborhood Organizations, Partners, and Hospitality.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records which include first name, last name, personal cell phone number, and/or email address.

#### RECORD SOURCE CATEGORIES:

Records in Genasys are obtained from multiple sources. Employee and Tenant information exists in current, existing databases such as EOPF, and is maintained as standard employee data. Staff are not provided with an opt out option for emergency messaging. Tenant information exists in an existing Yardi database; Genasys messaging is sent to email accounts and mobile devices provided by the recipient. Presidio Resident and Commercial Tenants are offered an opportunity to opt-out with every message. Presidio Park visitors and others self-opt into the system. Individuals provide their own email and/or mobile numbers and may opt-out at any time. This audience remains in the system until they opt-out.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside the Department of Interior as a routine use pursuant to 5 U.S.C. 552a(b)(3) may be made to:

(1) The appropriate Federal, State, local or foreign agency responsible for obtaining information relevant for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order when Presidio Trust becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

(2) The U.S. Department of Justice or in a proceeding before a court or adjudicative body when:

(a) The United States, the Presidio Trust, a component of the Presidio Trust, or, when represented by the government, an employee of the Presidio Trust is a party to litigation or anticipated litigation or has an interest in such litigation, and

(b) The Presidio Trust determines that the disclosure is relevant and necessary to the litigation and is compatible with the purpose for which the records were compiled.

(3) To a congressional office from the record of an individual in response to



an inquiry from the congressional office made at the request of that individual.

(4) To appropriate agencies, entities, and persons when:

(a) The Presidio Trust suspects or has confirmed that there has been a breach of the system of records

(b) The Presidio Trust has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, The Presidio Trust (including its information systems, programs, and operations), the Federal Government, or national security.

(c) The disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with The Presidio Trusts efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(5) To another Federal agency or Federal entity, when the Presidio Trust determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in:

(a) Responding to a suspected or confirmed breach.

(b) Preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national or national security, resulting from a suspected or confirmed breach.

(6) To Contractors when the contractor is working on a contract, service, job, or other activity for the Agency and who have a need to have access to the information in performance of their duties or activities for the Agency. Recipients will be required to comply with the requirements of the Privacy Act of 1974 as provided in 5 U.S.C. 552a(m).

#### **POLICIES AND PRACTICES FOR STORAGE OF RECORDS:**

Electronic records are contained in computers, and on secured servers located in a controlled facility with limited access and managed by Genasys.

When transmitting highly confidential information, Genasys uses industry standard Secure Sockets Layer (SSL) encryption technology for secure data transmission. Access is restricted through physical controls and system security practices.

#### **POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:**

Records in this system can be retrieved by either querying within the application or generating a report. The information may be retrieved by various fields including name, personal email

address, home address, or phone number.

#### **POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:**

Residential and Commercial tenant PII is updated as new tenants are manually registered. PII is retained until a tenant leaves, or opts-out of the system, whichever comes first. Visitors may opt-in at their discretion and opt-out at a time of their choosing. Employee PII is retained until an employee separate from Presidio Trust. All data held on a Genasys database will be scrubbed 30 days after a contract between Presidio Trust and Genasys Inc. is terminated.

#### **ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:**

All records contained in this system are safeguarded with applicable security and privacy rules and policies. Genasys meets ISO 27001 Security and Network compliance and ISO 22320 Emergency Management requirements, and all cloud procedures meet NIST 500–299 recommendations. The software is hosted on Amazon AWS cloud SSAW–18, company is SOC1 & SOC2 certified, 27001 certified, and maintains Cloud Security Genasys emergency Management (GEM) System of Records Notice (SORN) Alliance (CSA) STAR Attestation. Their certifications indicate that the services, processes, and facilities have been comprehensively reviewed and meet stringent security standards. Genasys uses industry-standard Secure Sockets Layer (SSL) encryption technology for secure data transmission. Genasys has a comprehensive Disaster and Recovery Plan defining the procedures to recover backups in the event of an IT systems' critical failure. Genasys is protected by industry-standard security measures that include two factor network authentication, enterprise-class firewalls, network-based Intrusion Detection Software (IDS), network vulnerability scanning tools, and anti-virus software with real-time definition updates. Genasys' network is firewall enabled with a three-layer architecture that controls HTTPS access, IP address control access, two-way client server TLS certificates, and the maximum number of connections allowed per IP.

Genasys does not access, share, or distribute any customer data. All employees with access to privacy data must review and sign a security access policy document. Access authorization is controlled by the HR Manager, IT Manager, and CEO; Access to the data is limited to a needs-only basis. The Presidio Trust has limited access to the

Genasys System to only Department of Public Safety and Emergency Communications staff. Application activities are logged at multiple levels to provide a full audit of system activity for monitoring and troubleshooting. Audit logs, execution logs, and information to generate KPIs of the system behavior are stored by Genasys. Audits comply with applicable industry regulations and are hardened to prevent tampering. Daily system scans are conducted by Genasys and can be accessed by Trust staff holding administrative access. The solution incorporates anti-virus protection to guard against malicious upload and distribution of unacceptable content. Genasys maintains detailed logs on: Database maintenance activities; System Administrator; General operator/administrator access; and Application configuration changes. Genasys customer data is logically partitioned and encrypted at rest.

#### **RECORD ACCESS PROCEDURES:**

An individual requesting access to their records should send a written inquiry to the applicable System Manager identified above. Presidio Trust forms and instructions for submitting a Privacy Act request may be obtained from the Presidio Trust Privacy Act Requests website at <https://www.PresidioTrust.gov/privacy/privacy-act-requests>. The request must include a general description of the records sought and the requester's full name, current address, and sufficient identifying information such as date of birth or other information required for verification of the requestor's identity. The request must be signed and dated and be either notarized or submitted under penalty of perjury in accordance with 28 U.S.C. 1746. Requests submitted by mail must be clearly marked "PRIVACY ACT REQUEST FOR ACCESS" on both the envelope and letter. A request for access must meet the requirements of 43 CFR 2.238.

#### **CONTESTING RECORD PROCEDURES:**

An individual requesting amendment of their records should send a written request to the applicable System Manager as identified above. Presidio Trust instructions for submitting a request for amendment of records are available on the Presidio Trust Privacy Act Requests website at <https://www.PresidioTrust.gov/privacy/privacy-act-requests>. The request must clearly identify the records for which amendment is being sought, the reasons for requesting the amendment, and the proposed amendment to the record. The request must include the requester's full

name, current address, and sufficient identifying information such as date of birth or other information required for verification of the requestor's identity. The request must be signed and dated and be either notarized or submitted under penalty of perjury in accordance with 28 U.S.C. 1746. Requests submitted by mail must be clearly marked "PRIVACY ACT REQUEST FOR AMENDMENT" on both the envelope and letter. A request for amendment must meet the requirements of 43 CFR 2.246.

**NOTIFICATION PROCEDURES:**

An individual requesting notification of the existence of records containing their personally identifying information, should send a written inquiry to the applicable System Manager as identified above. Presidio Trust instructions for submitting a request for notification are available on the Presidio Trust Privacy Act Requests website at <https://www.PresidioTrust.gov/privacy/privacy-act-requests>. The request must include a general description of the records and the requester's full name, current address, and sufficient identifying information such as date of birth or other information required for verification of the requestor's identity. The request must be signed and dated and be either notarized or submitted under penalty of perjury in accordance with 28 U.S.C. 1746. Requests submitted by mail must be clearly marked "PRIVACY ACT INQUIRY" on both the envelope and letter. A request for notification must meet the requirements of 43 CFR 2.235.

**EXEMPTIONS PROMULGATED FOR THE SYSTEM:**

No.

**HISTORY:**

No.

**Luke Donohue,**

*Director of Administration.*

[FR Doc. 2024-04007 Filed 2-26-24; 8:45 am]

**BILLING CODE P**

**THE PRESIDIO TRUST****Privacy Act of 1974; System of Records**

**AGENCY:** The Presidio Trust.

**ACTION:** Notice of a new System of Records.

**SUMMARY:** Pursuant to the provisions of the Privacy Act of 1974, as amended, the Presidio Trust is issuing a public notice of its intent to establish a Parking Payment Compliance Program, system of records. INTERIOR PRESIDIO

TRUST/Department of Planning and Compliance-XX, Passport Inc. Enforcement Software Solution.

**DATES:** This system of records is effective upon publication. New routine uses will be effective March 28, 2024.

**ADDRESSES:** You may send comments via email to the interim Privacy Officer, within Presidio Trust's Department of Administration, Luke Donohue, [LDonohue@presidiotrust.gov](mailto:LDonohue@presidiotrust.gov), or via U.S. Mail 1750 Lincoln Blvd., San Francisco, CA 94129.

**FOR FURTHER INFORMATION CONTACT:**

Luke Donohue, interim Privacy Officer, Presidio Trust, 1750 Lincoln Blvd., San Francisco, CA 94129, [LDonohue@presidiotrust.gov](mailto:LDonohue@presidiotrust.gov).

**SUPPLEMENTARY INFORMATION:** The purpose of the Presidio Trust's Parking Payment Compliance Program is to encourage voluntary compliance with the parking payment regulations. Information collected includes a database of violations issued, appeals submitted, and records of correspondence. The system contains records which include first name, last name, cell phone number, email address, license plate number or VIN number, vehicle make/model, date/time of violation issuance, and photos taken of the vehicle by enforcement staff member when issuing the citation. Credit card information is separately held by the system but not shared with the Presidio Trust or its contractors. All information is collected and stored on the Passport Inc. Enforcement software.

The parking enforcement contractor utilizes the Passport Inc. Enforcement software when issuing violations in the field. The contractor enters the relevant fields, such as vehicle make and model, into the Passport system using a handheld device. Once the required information has been inputted, a notice of violation is printed and posted to the vehicle and a record of the violation is stored on the Passport system. The recipient of a violation is provided with instructions to pay their violation fee online. When the violation recipient pays their fee online, the Passport system collects their name and email address. If the recipient of a violation has not paid their violation fee within 10 days, a delinquent letter is sent to the vehicle's registered owner. The registered owner's mailing address is accessed from the California DMV database. If the recipient chooses to appeal their violation, the recipient will provide their contact information, including their home address and phone number.

This information is retained for two-years, after which it is purged. As per

Passport's Privacy Policy, California residents have the right to request, at no charge, deletion of their personal information that Passport has collected about them and to have such personal information deleted, except where an exemption applies.

**SYSTEM NAME AND NUMBER:**

Parking Payment Compliance Program, Presidio Trust/Internal-2.

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Department of Planning & Compliance, 1750 Lincoln Blvd., San Francisco CA 94129. [transportation@presidiotrust.gov](mailto:transportation@presidiotrust.gov).

**SYSTEM MANAGER(S):**

Department of Planning & Compliance, 1750 Lincoln Blvd., San Francisco CA 94129. [transportation@presidiotrust.gov](mailto:transportation@presidiotrust.gov).

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Title I, Omnibus Parks Public Lands Act of 1996, Public Law 104-333 (<https://www.govinfo.gov/link/plaw/104/public/333>), 110 Stat. 4097.

**PURPOSE(S) OF THE SYSTEM:**

The primary purpose of the system is to encourage voluntary compliance with parking payment regulations by issuing notices and fees to non-compliant users.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Records of violation are stored by license plate number. Vehicles that have been identified as not complying with the parking payment regulations and receive a violation are covered by this system. This includes Presidio Park Visitors, Presidio Trust Staff, and Presidio Park Residents and Commercial Tenants.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The system contains records of violations issued, which include first name, last name, cell phone number, email address, license plate number, vehicle make/model, date/time of violation issuance, and photos taken of the vehicle by enforcement staff member when issuing the citation. A record of appeals submitted is maintained and include written and photographic evidence submitted by the user. Records of correspondence are maintained and include delinquent notices sent to the registered owner and emails communicating the result of an appeal.

Mailed letters of correspondence include the register owner's mailing address. Credit card information is

separately held by the system but not shared with the Presidio Trust or its contractors.

#### **RECORD SOURCE CATEGORIES:**

Records maintained by Passport are obtained from multiple sources. This includes records inputted by the enforcement staff member, mailing addresses from the California DMV database, and information provided by the recipient. These records are retained for two years unless otherwise requested by the individual. Paid violations and closed appeals may be deleted at the request of individual, open violations cannot be deleted at the request of the individual.

#### **ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:**

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside the Department of Interior as a routine use pursuant to 5 U.S.C. 552a(b)(3) may be made to:

(1) The appropriate Federal, State, local or foreign agency responsible for obtaining information relevant for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order when Presidio Trust becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

(2) The U.S. Department of Justice or in a proceeding before a court or adjudicative body when:

(a) The United States, the Presidio Trust, a component of the Presidio Trust, or, when represented by the government, an employee of the Presidio Trust is a party to litigation or anticipated litigation or has an interest in such litigation, and

(b) The Presidio Trust determines that the disclosure is relevant and necessary to the litigation and is compatible with the purpose for which the records were compiled.

(3) To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

(4) To appropriate agencies, entities, and persons when:

(a) The Presidio Trust suspects or has confirmed that there has been a breach of the system of records

(b) The Presidio Trust has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, The Presidio Trust (including its information systems, programs, and operations), the Federal Government, or national security.

(c) The disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with The Presidio Trusts efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(5) To another Federal agency or Federal entity, when the Presidio Trust determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in:

(a) Responding to a suspected or confirmed breach.

(b) Preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national or national security, resulting from a suspected or confirmed breach.

(6) To Contractors when the contractor is working on a contract, service, job, or other activity for the Agency and who have a need to have access to the information in performance of their duties or activities for the Agency. Recipients will be required to comply with the requirements of the Privacy Act of 1974 as provided in 5 U.S.C. 552a(m).

#### **POLICIES AND PRACTICES FOR STORAGE OF RECORDS:**

These records are stored online within the Passport backend management system, Operator Management or "OpsMan". All functions and features are password protected. The physical security of the Passport Inc. data center is managed by Amazon AWS data centers and physical access to the Passport office is restricted using employee ID badges.

Passport has a completely separate cardholder data environment that is subject to PCI compliance were all credit card data is processed and stored. Credit card numbers are encrypted with AES-256 with a rotating encryption key. All information is stored in an isolated card storage database per best practices. Passport completes assessments every year to ensure the effectiveness of its controls. This includes SOC 1 Type 2, SOC 2 Type 2, and a PCI DSS.

#### **POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:**

The Passport records system may only be accessed by the Presidio Trust's Transportation and the parking enforcement. Each individual staff member receives a unique account. The login requires a multi-factor authentication.

The Passport system keeps an audit trail of all actions within. This records

the action performed, date, and user. The system will also record reports run, searches performed (With search parameters) from a CSR perspective as well. Passport gives the Presidio Trust full discretion as to how to manage its system and can limit access by the individual user or their role within the Presidio Trust's administration.

#### **POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:**

Violation and appeal records are kept for two years or until requested by the individual. Records are purged from the Passport system and no records are stored outside the Passport system, either electronically or printed.

#### **ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:**

Passport's cybersecurity program aligns with the NIST Cybersecurity Framework, and Passport is SOC 2 compliant and PCI DSS Level 1 merchant and service provider certified. Passport's defensive line is monitored 24/7, 365 days a year by trained professionals. Passport complies with all applicable laws and regulations concerning privacy and data protection including the California Consumer Privacy Act (CCPA) and the EU General Data Protection Regulation (GDPR). Passport utilizes intrusion detection systems, virtual private network (VPN), and public key infrastructure (PKI) certificates.

#### **RECORD ACCESS PROCEDURES:**

An individual requesting access to their records should send a written inquiry to the applicable System Manager or the Privacy Act Officer identified above. A Privacy Act request must meet the requirements of 36 CFR 1008 (<https://www.ecfr.gov/current/title-36/chapter-X/part-1008>). The request must include a general description of the records sought and the requester's full name, current address, and sufficient identifying information such as date of birth or other information required for verification of the requestor's identity. The request must be signed and dated and be either notarized or submitted under penalty of perjury in accordance with 28 U.S.C. 1746.

Requests submitted by mail must be clearly marked "PRIVACY ACT REQUEST FOR ACCESS" on both the envelope and letter. A request to access records must meet the requirements of 36 CFR 1008 and 36 CFR 1008.13 (<https://www.ecfr.gov/current/title-36/section-1008.13>)--14, .16--17.

**CONTESTING RECORD PROCEDURES:**

An individual requesting amendment of their records should send a written request to the applicable System Manager or the Privacy Act Officer as identified above. DOI instructions for submitting a request for amendment of records are available on the DOI Privacy Act Requests website at <https://www.doi.gov/privacy/privacy-act-requests>. The request must clearly identify the records for which amendment is being sought, the reasons for requesting the amendment, and the proposed amendment to the record. The request must include the requester's full name, current address, and sufficient identifying information such as date of birth or other information required for verification of the requestor's identity. The request must be signed and dated and be either notarized or submitted under penalty of perjury in accordance with 28 U.S.C. 1746. Requests submitted by mail must be clearly marked "PRIVACY ACT REQUEST FOR AMENDMENT" on both the envelope and letter. A request to contest or amend records must meet the requirements of 36 CFR 1008 and 36 CFR 1008.18 (<https://www.ecfr.gov/current/title-36/section-1008.18>)—19, .22, .24.

**NOTIFICATION PROCEDURES:**

An individual requesting notification of the existence of records about them should send a written inquiry to the applicable System Manager as or the Privacy Act Officer identified above. A Privacy Act request must meet the requirements of 36 CFR 1008 (<https://www.ecfr.gov/current/title-36/chapter-X/part-1008>). The request must include a general description of the records and the requester's full name, current address, and sufficient identifying information such as date of birth or other information required for verification of the requestor's identity. The request must be signed and dated and be either notarized or submitted under penalty of perjury in accordance with 28 U.S.C. 1746. Requests submitted by mail must be clearly marked "PRIVACY ACT INQUIRY" on both the envelope and letter.

**EXEMPTIONS PROMULGATED FOR THE SYSTEM:**

None.

**HISTORY:**

None.

**Luke Donohue,**

*Director of Administration.*

[FR Doc. 2024-04006 Filed 2-26-24; 8:45 am]

**BILLING CODE 4310-4R-P**

**RAILROAD RETIREMENT BOARD****Actuarial Advisory Committee With Respect to the Railroad Retirement Account; Notice of Public Meeting**

Notice is hereby given in accordance with Public Law 92-463 that the Actuarial Advisory Committee will hold a virtual meeting on April 3, 2024, at 9 a.m. (central standard time) on the conduct of the 29th Actuarial Valuation of the Railroad Retirement System. The agenda for this meeting will include a discussion of the assumptions to be used in the 29th Actuarial Valuation. A report containing recommended assumptions and the experience on which the recommendations are based will have been sent by the Chief Actuary to the Committee in advance of the meeting.

The meeting will be open to the public. Persons wishing to submit written statements, make oral presentations, or attend the meeting should address their communications or notices to Patricia Pruitt ([Patricia.Pruitt@rrb.gov](mailto:Patricia.Pruitt@rrb.gov)) so that information on how to join the virtual meeting can be provided.

Dated: February 22, 2024.

**Stephanie Hillyard,**

*Secretary to the Board.*

[FR Doc. 2024-04016 Filed 2-26-24; 8:45 am]

**BILLING CODE 7905-01-P**

**SECURITIES AND EXCHANGE COMMISSION**

[Securities Act of 1933 Release No. 11273/February 22, 2024; Securities Exchange Act of 1934 Release No. 99583/February 22, 2024]

**Order Regarding Review of Financial Accounting Standards Board (FASB) Accounting Support Fee for 2024 Under Section 109 of the Sarbanes-Oxley Act of 2002**

The Sarbanes-Oxley Act of 2002 ("SOX" or the "Act") provides that the Securities and Exchange Commission (the "Commission") may recognize, as generally accepted for purposes of the securities laws, any accounting principles established by a standard-setting body that meets certain criteria.<sup>1</sup> Section 109 of SOX provides that all of the budget of such a standard-setting body shall be payable from an annual accounting support fee assessed and collected against each issuer, as may be necessary or appropriate to pay for the budget and provide for the expenses of the standard-setting body, and to

provide for an independent, stable source of funding, subject to review by the Commission. Under Section 109(f) of the Act, the amount of fees collected for a fiscal year shall not exceed the "recoverable budget expenses" of the standard-setting body. Section 109(i) of SOX amends Section 13(b)(2) of the Securities Exchange Act of 1934 to require issuers to pay the allocable share of a reasonable annual accounting support fee or fees, determined in accordance with Section 109 of the Act.

On April 25, 2003, the Commission issued a policy statement concluding that the Financial Accounting Standards Board ("FASB") and its parent organization, the Financial Accounting Foundation ("FAF"), satisfied the criteria for an accounting standard-setting body under the Act, and recognizing the FASB's financial accounting and reporting standards as "generally accepted" under Section 108 of the Act.<sup>2</sup> Accordingly, the Commission undertook a review of the FASB's accounting support fee for calendar year 2024.<sup>3</sup> In connection with its review, the Commission also reviewed the budget for the FAF and the FASB for calendar year 2024.

Section 109 of SOX provides that, in addition to the accounting support fee, the standard-setting body can have additional sources of revenue for its activities, such as earnings from sales of publications, provided that each additional source of revenue shall not jeopardize, in the judgment of the Commission, the actual or perceived independence of the standard setter. In this regard, the Commission also considered the interrelation of the operating budgets of the FAF, the FASB, and the Governmental Accounting Standards Board ("GASB"), the FASB's sister organization, which sets accounting standards used by state and local government entities. The Commission has been advised by the FAF that neither the FAF, the FASB, nor the GASB accept contributions from the accounting profession.

The Commission understands that the Office of Management and Budget ("OMB") has determined the FASB's spending of the 2024 accounting support fee is sequestrable under the Budget Control Act of 2011.<sup>4</sup> So long as

<sup>2</sup> See Commission Statement of Policy Reaffirming the Status of the FASB as a Designated Private-Sector Standard Setter, Release No. 33-8221 (Apr. 25, 2003) [68 FR 23333 (May 1, 2003)].

<sup>3</sup> The Financial Accounting Foundation's Board of Trustees approved the FASB's budget on Oct. 30, 2023. The FAF submitted the approved budget to the Commission on Nov. 1, 2023.

<sup>4</sup> See OMB Report to the Congress on the BBEDCA 251A Sequestration for Fiscal Year 2024,

Continued

<sup>1</sup> See 15 U.S.C. 7201 *et seq.*

sequestration is applicable, we anticipate that the FAF will work with the Commission and Commission staff as appropriate regarding its implementation of sequestration.

After its review, the Commission determined that the 2024 annual accounting support fee for the FASB is consistent with Section 109 of the Act. Accordingly,

*It is ordered*, pursuant to Section 109 of SOX, that the FASB may act in accordance with this determination of the Commission.

By the Commission.

**Vanessa A. Countryman,**  
Secretary.

[FR Doc. 2024-03953 Filed 2-26-24; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-99570; File No. SR-CboeBZX-2024-017]

### Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fees Schedule Related to Physical Port Fees

February 21, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on February 9, 2024, Cboe BZX Exchange, Inc. (the “Exchange” or “BZX”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (the “Exchange” or “BZX Options”) proposes to amend its Fees Schedule. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange’s website ([http://markets.cboe.com/us/equities/regulation/rule\\_filings/BZX/](http://markets.cboe.com/us/equities/regulation/rule_filings/BZX/)), at the Exchange’s Office of the

Secretary, and at the Commission’s Public Reference Room.

#### II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

##### A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

The Exchange proposes to amend its fee schedule for its equity options platform (“BZX Options”) relating to physical connectivity fees.<sup>3</sup>

By way of background, a physical port is utilized by a Member or non-Member to connect to the Exchange at the data centers where the Exchange’s servers are located. The Exchange currently assesses the following physical connectivity fees for Members and non-Members on a monthly basis: \$2,500 per physical port for a 1 gigabit (“Gb”) circuit and \$7,500 per physical port for a 10 Gb circuit. The Exchange proposes to increase the monthly fee for 10 Gb physical ports from \$7,500 to \$8,500 per port. The Exchange notes the proposed fee change better enables it to continue to maintain and improve its market technology and services and also notes that the proposed fee amount, even as amended, continues to be in line with, or even lower than, amounts assessed by other exchanges for similar connections.<sup>4</sup> The physical ports may

<sup>3</sup> The Exchange initially filed the proposed fee changes on July 3, 2023 (SR-CboeBZX-2023-047). On September 1, 2023, the Exchange withdrew that filing and submitted SR-CboeBZX-2023-068. On September 29, 2023, the Securities and Exchange Commission issued a Suspension of and Order Instituting Proceedings to Determine whether to Approve or Disapprove a Proposed Rule Change to Amend its Fees Schedule Related to Physical Port Fees (the “OIP”). On September 29, 2023, the Exchange filed the proposed fee change (SR-CboeBZX-2023-79). On October 13, 2023, the Exchange withdrew that filing and submitted SR-CboeBZX-2023-083. On December 12, 2023 the Exchange withdrew that filing and submitted SR-CboeBZX-2023-104. On February 9, 2024, the Exchange withdrew that filing and submitted this filing.

<sup>4</sup> See e.g., The Nasdaq Stock Market LLC (“Nasdaq”), General 8, Connectivity to the

also be used to access the Systems for the following affiliate exchanges and only one monthly fee currently (and will continue) to apply per port: the Exchange’s equities platform (BZX Equities), Cboe EDGX Exchange, Inc. (options and equities platforms), Cboe BYX Exchange, Inc., Cboe EDGA Exchange, Inc., and Cboe C2 Exchange, Inc. (“Affiliate Exchanges”).<sup>5</sup>

###### Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the “Act”) and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.<sup>6</sup> Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>7</sup> requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>8</sup> requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with Section 6(b)(4)<sup>9</sup> of the Act, which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities.

The Exchange believes the proposed fee change is reasonable as it reflects a moderate increase in physical connectivity fees for 10 Gb physical ports. Further, the current 10 Gb

Exchange, Nasdaq and its affiliated exchanges charge a monthly fee of \$15,000 for each 10 Gb Ultra fiber connection to the respective exchange, which is analogous to the Exchange’s 10 Gb physical port. See also New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE Chicago Inc., NYSE National, Inc. Connectivity Fee Schedule, which provides that 10 Gb LX LCN Circuits (which are analogous to the Exchange’s 10 Gb physical port) are assessed \$22,000 per month, per port.

<sup>5</sup> The Affiliate Exchanges are also submitting contemporaneous identical rule filings.

<sup>6</sup> 15 U.S.C. 78f(b).

<sup>7</sup> 15 U.S.C. 78f(b)(5).

<sup>8</sup> *Id.*

<sup>9</sup> 15 U.S.C. 78f(b)(4).

available at [https://www.whitehouse.gov/wp-content/uploads/2023/03/BBEDCA\\_Sequestration\\_Report\\_and\\_Letter\\_3-13-2024.pdf](https://www.whitehouse.gov/wp-content/uploads/2023/03/BBEDCA_Sequestration_Report_and_Letter_3-13-2024.pdf).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

physical port fee has remained unchanged since June 2018.<sup>10</sup> Since its last increase over 5 years ago however, there has been notable inflation. Particularly, the dollar has had an average inflation rate of 3.9% per year between 2018 and today, producing a cumulative price increase of approximately 21.1% inflation since the fee for the 10 Gb physical port was last modified.<sup>11</sup> Moreover, the Exchange historically does not increase fees every year, notwithstanding inflation. Accordingly, the Exchange believes the proposed fee is reasonable as it represents only an approximate 13% increase from the rates adopted five years ago, notwithstanding the cumulative rate of 21.1%. The Exchange is also unaware of any standard that suggests any fee proposal that exceeds a certain yearly or cumulative inflation rate is unreasonable, and in any event, in this instance the increase is well below the cumulative rate.

Additionally, the Exchange believes the proposed fee increase is reasonable in light of recent and anticipated connectivity-related upgrades and changes. For example, the Exchange recently performed switch hardware upgrades. Particularly, the Exchange replaced existing customer access switches with newer models, which the Exchange believes contributes to increased determinism. Additionally, effective April 1, 2024, firms will be able to connect to a new data center (*i.e.*, Secaucus NY6 Data Center (“NY6”)), in addition the current data centers at NY4 and NY5. The Exchange is adding connectivity at NY6 in response to Customer demand and requests for additional space and capacity.

The Exchange also believes the proposed fee is reasonable as it is still in line with, or even lower than, amounts assessed by other exchanges for similar connections.<sup>12</sup> Indeed, the Exchange believes assessing fees that are a lower rate than fees assessed by other exchanges for analogous connectivity (which were similarly adopted via the

rule filing process and filed with the Commission) is reasonable. As noted above, the proposed fee is also the same as is concurrently being proposed for its Affiliate Exchanges. Further, Members are able to utilize a single port to connect to any of the Affiliate Exchanges with no additional fee assessed for that same physical port. Particularly, the Exchange believes the proposed monthly per port fee is reasonable, equitable and not unfairly discriminatory as it is assessed only once, even if it connects with another affiliate exchange since only one port is being used and the Exchange does not wish to charge multiple fees for the same port. Indeed, the Exchange notes that several ports are in fact purchased and utilized across one or more of the Exchange’s affiliated Exchanges (and charged only once).

The Exchange also believes that the proposed fee change is not unfairly discriminatory because it would be assessed uniformly across all market participants that purchase the physical ports. The Exchange believes increasing the fee for 10 Gb physical ports and charging a higher fee as compared to the 1 Gb physical port is equitable as the 1 Gb physical port is 1/10th the size of the 10 Gb physical port and therefore does not offer access to many of the products and services offered by the Exchange (*e.g.*, ability to receive certain market data products). Thus, the value of the 1 Gb alternative is lower than the value of the 10 Gb alternative, when measured based on the type of Exchange access it offers. Moreover, market participants that purchase 10 Gb physical ports utilize the most bandwidth and therefore consume the most resources from the network. As such, the Exchange believes the proposed fee change for 10 Gb physical ports is reasonable and appropriately allocated.

The Exchange also notes Members and non-Members will continue to choose the method of connectivity based on their specific needs and no broker-dealer is required to become a Member of, let alone connect directly to, the Exchange. There is also no regulatory requirement that any market participant connect to any one particular exchange. Moreover, direct connectivity is not a requirement to participate on the Exchange. The Exchange also believes substitutable products and services are available to market participants, including, among other things, other options exchanges that a market participant may connect to in lieu of the Exchange, indirect connectivity to the Exchange via a third-party reseller of connectivity, and/or trading of any options product, such as

within the Over-the-Counter (OTC) markets which do not require connectivity to the Exchange. Indeed, there are currently 17 registered options exchanges that trade options (13 of which are not affiliated with Cboe), some of which have similar or lower connectivity fees.<sup>13</sup> Based on publicly available information, no single options exchange has more than approximately 20% of the market share.<sup>14</sup> Further, low barriers to entry mean that new exchanges may rapidly enter the market and offer additional substitute platforms to further compete with the Exchange and the products it offers. For example, there are 3 exchanges that have been added in the U.S. options markets in the last 5 years (*i.e.*, Nasdaq MRX, LLC, MIAAX Pearl, LLC, MIAAX Emerald LLC, and most recently, MEMX LLC).

As noted above, there is no regulatory requirement that any market participant connect to any one options exchange, nor that any market participant connect at a particular connection speed or act in a particular capacity on the Exchange, or trade any particular product offered on an exchange. Moreover, membership is not a requirement to participate on the Exchange. Indeed, the Exchange is unaware of any one options exchange whose membership includes every registered broker-dealer. By way of example, while the Exchange has 61 members that trade options, Cboe EDGX has 51 members that trade options, and Cboe C2 has 52 Trading Permit Holders (“TPHs”) (*i.e.*, members). There is also no firm that is a Member of BZX Options only. Further, based on publicly available information regarding a sample of the Exchange’s competitors, NYSE American Options has 71 members,<sup>15</sup> and NYSE Arca Options has 69 members,<sup>16</sup> MIAAX Options has 46 members<sup>17</sup> and MIAAX Pearl Options has 40 members.<sup>18</sup>

A market participant may submit orders to the Exchange via a Member broker or a third-party reseller of connectivity. The Exchange notes that third-party non-Members also resell exchange connectivity. This indirect

<sup>10</sup> See Securities and Exchange Release No. 83429 (June 14, 2018), 83 FR 28685 (June 20, 2018) (SR–CboeBZX–2018–038).

<sup>11</sup> See <https://www.officialdata.org/us/inflation/2010?amount=1>.

<sup>12</sup> See *e.g.*, The Nasdaq Stock Market LLC (“Nasdaq”), General 8, Connectivity to the Exchange. Nasdaq and its affiliated exchanges charge a monthly fee of \$15,000 for each 10 Gb Ultra fiber connection to the respective exchange, which is analogous to the Exchange’s 10 Gb physical port. See also New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE Chicago Inc., NYSE National, Inc. Connectivity Fee Schedule, which provides that 10 Gb LX LCN Circuits (which are analogous to the Exchange’s 10 Gb physical port) are assessed \$22,000 per month, per port.

<sup>13</sup> *Id.*

<sup>14</sup> See Cboe Global Markets U.S. Options Market Volume Summary (October 13, 2023), available at [https://markets.cboe.com/us/options/market\\_statistics/](https://markets.cboe.com/us/options/market_statistics/).

<sup>15</sup> See <https://www.nyse.com/markets/american-options/membership#directory>.

<sup>16</sup> See <https://www.nyse.com/markets/arca-options/membership#directory>.

<sup>17</sup> See [https://www.miaaxglobal.com/sites/default/files/page-files/MIAAX\\_Options\\_Exchange\\_Members\\_April\\_2023\\_04282023.pdf](https://www.miaaxglobal.com/sites/default/files/page-files/MIAAX_Options_Exchange_Members_April_2023_04282023.pdf).

<sup>18</sup> See [https://www.miaaxglobal.com/sites/default/files/page-files/MIAAX\\_Pearl\\_Exchange\\_Members\\_01172023\\_0.pdf](https://www.miaaxglobal.com/sites/default/files/page-files/MIAAX_Pearl_Exchange_Members_01172023_0.pdf).

connectivity is another viable alternative for market participants to trade on the Exchange without connecting directly to the Exchange (and thus not pay the Exchange connectivity fees), which alternative is already being used by non-Members and further constrains the price that the Exchange is able to charge for connectivity to its Exchange.<sup>19</sup> The Exchange notes that it could, but chooses not to, preclude market participants from reselling its connectivity. Unlike other exchanges, the Exchange also chooses not to adopt fees that would be assessed to third-party resellers on a per customer basis (*i.e.*, fee based on number of Members that connect to the Exchange indirectly via the third-party).<sup>20</sup> Particularly, these third-party resellers may purchase the Exchange's physical ports and resell access to such ports either alone or as part of a package of services. The Exchange notes that multiple Members are able to share a single physical port (and corresponding bandwidth) with other non-affiliated Members if purchased through a third-party reseller.<sup>21</sup> This allows resellers to mutualize the costs of the ports for market participants and provide such ports at a price that may be lower than the Exchange charges due to this mutualized connectivity. These third-party sellers may also provide an additional value to market participants in addition to the physical port itself as they may also manage and monitor these connections, and clients of these third-parties may also be able to connect

from the same colocation facility either from their own racks or using the third-party's managed racks and infrastructure which may provide further cost-savings. The Exchange believes such third-party resellers may also use the Exchange's connectivity as an incentive for market participants to purchase further services such as hosting services. That is, even firms that wish to utilize a single, dedicated 10 Gb port (*i.e.*, use one single 10 Gb port themselves instead of sharing a port with other firms), may still realize cost savings via a third-party reseller as it relates to a physical port because such reseller may be providing a discount on the physical port to incentivize the purchase of additional services and infrastructure support alongside the physical port offering (*e.g.*, providing space, hosting, power, and other long-haul connectivity options). This is similar to cell phone carriers offering a new iPhone at a discount (or even at no cost) if purchased in connection with a new monthly phone plan. These services may reevaluate reselling or offering Cboe's direct connectivity if they deem the fees to be excessive. Further, as noted above, the Exchange does not receive any connectivity revenue when connectivity is resold by a third-party, which often is resold to multiple customers, some of whom are agency broker-dealers that have numerous customers of their own. For example, there are approximately 12 third parties who resell Exchange connectivity across the 7 Affiliated Exchanges, which are all accessible on the same network. These third-party resellers collectively maintain approximately 48 physical ports from the Exchange, but have collectively almost 200 unique customers downstream, connected through these multi-Exchange ports. Therefore, given the availability of third-party providers that also offer connectivity solutions, the Exchange believes participation on the Exchange remains affordable (notwithstanding the proposed fee change) for all market participants, including trading firms that may be able to take advantage of lower costs that result from mutualized connectivity and/or from other services provided alongside the physical port offerings. Because third-party resellers also act as a viable alternative to direct connectivity to the Exchange, the price that the Exchange is able to charge for direct connectivity to its Exchange is constrained. Moreover, if the Exchange were to assess supracompetitive rates, members and non-members (such as third-party resellers) alike, may decide

not to purchase, or to reduce its use of, the Exchange's direct connectivity. Disincentivizing market participants from purchasing Exchange connectivity would only serve to discourage participation on the Exchange which ultimately does not benefit the Exchange. Further, the Exchange believes its offerings are more affordable as compared to similar offerings at competitor exchanges.<sup>22</sup> Accordingly, the vigorous competition among national securities exchanges provides many alternatives for firms to voluntarily decide whether direct connectivity to the Exchange is appropriate and worthwhile, and as noted above, no broker-dealer is required to become a Member of the Exchange, let alone connect directly to it. In the event that a market participant views the Exchange's proposed fee change as more or less attractive than the competition, that market participant can choose to connect to the Exchange indirectly or may choose not to connect to that exchange and connect instead to one or more of the other 13 non-Cboe affiliated options markets. Indeed, market participants are free to choose which exchange or reseller to use to satisfy their business needs. Moreover, if the Exchange charges excessive fees, it may stand to lose not only connectivity revenues but also revenues associated with the execution of orders routed to it, and, to the extent applicable, market data revenues. The Exchange believes that this competitive dynamic imposes powerful restraints on the ability of any exchange to charge unreasonable fees for connectivity. Notwithstanding the foregoing, the Exchange still believes that the proposed fee increase is reasonable, equitably allocated and not unfairly discriminatory, even for market participants that determine to connect directly to the Exchange for business purposes, as those business reasons should presumably result in revenue capable of covering the proposed fee.

The Exchange lastly notes that it is not required by the Exchange Act, nor any other rule or regulation, to undertake a cost-of-service or rate-making approach with respect to fee

<sup>19</sup> Third-party resellers of connectivity play an important role in the capital markets infrastructure ecosystem. For example, third-party resellers can help unify access for customers who want exposure to multiple financial markets that are geographically dispersed by establishing connectivity to all of the different exchanges, so the customers themselves do not have to. Many of the third-party connectivity resellers also act as distribution agents for all of the market data generated by the exchanges as they can use their established connectivity to subscribe to, and redistribute, data over their networks. This may remove barriers that infrastructure requirements may otherwise pose for customers looking to access multiple markets and real-time data feeds. This facilitation of overall access to the marketplace is ultimately beneficial for the entire capital markets ecosystem, including the Exchange, on which such firms transact business.

<sup>20</sup> See, *e.g.*, Nasdaq Price List—U.S. Direct Connection and Extranet Fees, available at, US Direct-Extranet Connection ([nasdaqtrader.com](https://www.nasdaqtrader.com)); and Securities Exchange Act Release Nos. 74077 (January 16, 2022), 80 FR 3683 (January 23, 2022) (SR–NASDAQ–2015–002); and 82037 (November 8, 2022), 82 FR 52953 (November 15, 2022) (SR–NASDAQ–2017–114).

<sup>21</sup> For example, a third-party reseller may purchase one 10 Gb physical port from the Exchange and resell that connectivity to three different market participants who may only need 3 Gb each and leverage the same single port.

<sup>22</sup> See *e.g.*, See *e.g.*, The Nasdaq Stock Market LLC ("Nasdaq"), General 8, Connectivity to the Exchange. Nasdaq and its affiliated exchanges charge a monthly fee of \$15,000 for each 10 Gbps Ultra fiber connection to the respective exchange, which is analogous to the Exchange's 10 Gbps physical port. See also New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE Chicago Inc., NYSE National, Inc. Connectivity Fee Schedule, which provides that 10 Gbps LX LCN Circuits (which are analogous to the Exchange's 10 Gbps physical port) are assessed \$22,000 per month, per port.



proposals. Moreover, Congress's intent in enacting the 1975 Amendments to the Act was to enable competition—rather than government order—to determine prices. The principal purpose of the amendments was to facilitate the creation of a national market system for the trading of securities. Congress intended that this “national market system evolve through the interplay of competitive forces as unnecessary regulatory restrictions are removed.”<sup>23</sup> Other provisions of the Act confirm that intent. For example, the Act provides that an exchange must design its rules “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.”<sup>24</sup> Likewise, the Act grants the Commission authority to amend or repeal “[t]he rules of [an] exchange [that] impose any burden on competition not necessary or appropriate in furtherance of the purposes of this chapter.”<sup>25</sup> In short, the promotion of free and open competition was a core congressional objective in creating the national market system.<sup>26</sup> Indeed, the Commission has historically interpreted that mandate to promote competitive forces to determine prices whenever compatible with a national market system. Accordingly, the Exchange believes it has met its burden to demonstrate that its proposed fee change is reasonable and consistent with the immediate filing process chosen by Congress, which created a system whereby market forces determine access fees in the vast majority of cases, subject to oversight only in particular cases of abuse or market failure. Lastly, and importantly, the Exchange believes that, even if it were possible as a matter of economic theory, cost-based pricing for the proposed fee would be so complicated that it could not be done practically.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not

necessary or appropriate in furtherance of the purposes of the Act. The proposed fee change will not impact intramarket competition because it will apply to all similarly situated Members equally (i.e., all market participants that choose to purchase the 10 Gb physical port). Additionally, the Exchange does not believe its proposed pricing will impose a barrier to entry to smaller participants and notes that its proposed connectivity pricing is associated with relative usage of the various market participants. For example, market participants with modest capacity needs can continue to buy the less expensive 1 Gb physical port (which cost is not changing) or may choose to obtain access via a third-party re-seller. While pricing may be increased for the larger capacity physical ports, such options provide far more capacity and are purchased by those that consume more resources from the network. Accordingly, the proposed connectivity fees do not favor certain categories of market participants in a manner that would impose a burden on competition; rather, the allocation reflects the network resources consumed by the various size of market participants—lowest bandwidth consuming members pay the least, and highest bandwidth consuming members pays the most.

The Exchange's proposed fee is also still lower than some fees for similar connectivity on other exchanges and therefore may stimulate intermarket competition by attracting additional firms to connect to the Exchange or at least should not deter interested participants from connecting directly to the Exchange. Further, if the changes proposed herein are unattractive to market participants, the Exchange can, and likely will, see a decline in connectivity via 10 Gb physical ports as a result. The Exchange operates in a highly competitive market in which market participants can determine whether or not to connect directly to the Exchange based on the value received compared to the cost of doing so. Indeed, market participants have numerous alternative venues that they may participate on and direct their order flow, including 13 non-Cboe affiliated options markets, as well as off-exchange venues, where competitive products are available for trading. Moreover, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in

determining prices and SRO revenues and, also, recognized that current regulation of the market system “has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.”<sup>27</sup> The fact that this market is competitive has also long been recognized by the courts. In *NetCoalition v. Securities and Exchange Commission*, the D.C. Circuit stated as follows: “[n]o one disputes that competition for order flow is ‘fierce.’ . . . As the SEC explained, ‘[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution’; [and] ‘no exchange can afford to take its market share percentages for granted’ because ‘no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers’ . . . .”<sup>28</sup> Accordingly, the Exchange does not believe its proposed change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange neither solicited nor received comments on the proposed rule change.

#### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>29</sup> and paragraph (f) of Rule 19b-4<sup>30</sup> thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

<sup>27</sup> See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

<sup>28</sup> *NetCoalition v. SEC*, 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

<sup>29</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>30</sup> 17 CFR 240.19b-4(f).

<sup>23</sup> See H.R. Rep. No. 94–229, at 92 (1975) (Conf. Rep.) (emphasis added).

<sup>24</sup> 15 U.S.C. 78f(b)(5).

<sup>25</sup> 15 U.S.C. 78f(8).

<sup>26</sup> See also 15 U.S.C. 78k–l(a)(1)(C)(ii) (purposes of Exchange Act include to promote “fair competition among brokers and dealers, among exchange markets, and between exchange markets and markets other than exchange markets”); Order, 73 FR at 74781 (“The Exchange Act and its legislative history strongly support the Commission’s reliance on competition, whenever possible, in meeting its regulatory responsibilities for overseeing the SROs and the national market system.”).



#### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

##### *Electronic Comments*

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include file number SR-CboeBZX-2024-017 on the subject line.

##### *Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-CboeBZX-2024-017. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-CboeBZX-2024-017 and should be submitted on or before March 19, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>31</sup>

**Sherry R. Haywood,**  
*Assistant Secretary.*

[FR Doc. 2024-03899 Filed 2-26-24; 8:45 am]

**BILLING CODE 8011-01-P**

#### SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-99569; File No. SR-LCH SA-2023-007]

##### **Self-Regulatory Organizations; LCH SA; Notice of Designation of Longer Period for Commission Action on Proposed Rule Change Relating to the Liquidity Risk Modelling Framework**

February 21, 2024.

On December 22, 2023, pursuant to Section 19(b) of the Securities Exchange Act of 1934 ("Exchange Act")<sup>1</sup> and Rule 19b-4<sup>2</sup> thereunder, Banque Centrale de Compensation, which conducts business under the name LCH SA ("LCH SA"), filed with the Securities and Exchange Commission ("Commission") the proposed rule change SR-LCH SA-2023-007 regarding its liquidity risk modelling framework (the "Proposed Rule Change"). The Proposed Rule Change was published for public comment in the **Federal Register** on January 11, 2024.<sup>3</sup> The Commission has not received comments regarding the proposal described in the Proposed Rule Change.

Section 19(b)(2) of the Exchange Act<sup>4</sup> provides that, within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the Notice is February 25, 2024. The Commission is extending this 45-day time period.

In order to provide the Commission with sufficient time to consider the Proposed Rule Change, the Commission

finds that it is appropriate to designate a longer period within which to take action on the Proposed Rule Change.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Exchange Act,<sup>5</sup> designates April 10, 2024 as the date by which the Commission shall either approve, disapprove, or institute proceedings to determine whether to disapprove proposed rule change SR-LCH SA-2023-007.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>6</sup>

**Sherry R. Haywood,**  
*Assistant Secretary.*

[FR Doc. 2024-03898 Filed 2-26-24; 8:45 am]

**BILLING CODE 8011-01-P**

#### SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-99571; File No. SR-C2-2024-004]

##### **Self-Regulatory Organizations; Cboe C2 Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fees Schedule Related to Physical Port Fees**

February 21, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4<sup>2</sup> thereunder, notice is hereby given that on February 9, 2024, Cboe C2 Exchange, Inc. ("Exchange" or "C2") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

##### **I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

Cboe C2 Exchange, Inc. (the "Exchange" or "C2 Options") proposes to amend its Fees Schedule. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website ([http://markets.cboe.com/us/options/regulation/rule\\_filings/ctwo/](http://markets.cboe.com/us/options/regulation/rule_filings/ctwo/)), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

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

<sup>6</sup> 17 CFR 200.30-3(a)(31).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>31</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> Self-Regulatory Organizations; LCH SA; Notice of Filing of Proposed Rule Change Relating to Liquidity Risk Modelling Framework, Exchange Act Release No. 34-99277 (Jan. 5, 2024); 89 FR 1952 (Jan. 11, 2024) (SR-LCH SA-2023-007) ("Notice").

<sup>4</sup> 15 U.S.C. 78s(b)(2).

## II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

#### 1. Purpose

The Exchange proposes to amend its fee schedule relating to physical connectivity fees.<sup>3</sup>

By way of background, a physical port is utilized by a Member or non-Member to connect to the Exchange at the data centers where the Exchange's servers are located. The Exchange currently assesses the following physical connectivity fees for Trading Permit Holders ("TPHs") and non-TPHs on a monthly basis: \$2,500 per physical port for a 1 gigabit ("Gbps") circuit and \$7,500 per physical port for a 10 Gbps circuit. The Exchange proposes to increase the monthly fee for 10 Gbps physical ports from \$7,500 to \$8,500 per port. The Exchange notes the proposed fee change better enables it to continue to maintain and improve its market technology and services and also notes that the proposed fee amount, even as amended, continues to be in line with, or even lower than, amounts assessed by other exchanges for similar connections.<sup>4</sup> The physical ports may

also be used to access the Systems for the following affiliate exchanges and only one monthly fee currently (and will continue) to apply per port: Cboe BZX Exchange, Inc. (options and equities platforms), Cboe EDGX Exchange, Inc. (options and equities platforms), Cboe BYX Exchange, Inc., and Cboe EDGA Exchange, Inc. ("Affiliate Exchanges").<sup>5</sup>

#### 2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.<sup>6</sup> Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>7</sup> requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>8</sup> requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with Section 6(b)(4)<sup>9</sup> of the Act, which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its TPHs and other persons using its facilities.

The Exchange believes the proposed fee change is reasonable as it reflects a moderate increase in physical connectivity fees for 10 Gbps physical ports. Further, the current 10 Gbps physical port fee has remained

unchanged since June 2018.<sup>10</sup> Since its last increase over 5 years ago however, there has been notable inflation. Particularly, the dollar has had an average inflation rate of 3.9% per year between 2018 and today, producing a cumulative price increase of approximately 21.1% inflation since the fee for the 10 Gbps physical port was last modified.<sup>11</sup> Moreover, the Exchange historically does not increase fees every year, notwithstanding inflation. Accordingly, the Exchange believes the proposed fee is reasonable as it represents only an approximate 13% increase from the rates adopted five years ago, notwithstanding the cumulative rate of 21.1%. The Exchange is also unaware of any standard that suggests any fee proposal that exceeds a certain yearly or cumulative inflation rate is unreasonable, and in any event, in this instance the increase is well below the cumulative rate.

Additionally, the Exchange believes the proposed fee increase is reasonable in light of recent and anticipated connectivity-related upgrades and changes. For example, the Exchange recently performed switch hardware upgrades. Particularly, the Exchange replaced existing customer access switches with newer models, which the Exchange believes contributes to increased determinism. Additionally, effective April 1, 2024, firms will be able to connect to a new data center (*i.e.*, Secaucus NY6 Data Center ("NY6")), in addition the current data centers at NY4 and NY5. The Exchange is adding connectivity at NY6 in response to Customer demand and requests for additional space and capacity.

The Exchange also believes the proposed fee is reasonable as it is still in line with, or even lower than, amounts assessed by other exchanges for similar connections.<sup>12</sup> Indeed, the Exchange believes assessing fees that are a lower rate than fees assessed by other exchanges for analogous connectivity (which were similarly adopted via the rule filing process and filed with the

<sup>3</sup> The Exchange initially filed the proposed fee changes on July 3, 2023 (SR-C2-2023-014). On September 1, 2023, the Exchange withdrew that filing and submitted SR-C2-2023-020. On September 29, 2023, the Securities and Exchange Commission issued a Suspension of and Order Instituting Proceedings to Determine whether to Approve or Disapprove a Proposed Rule Change to Amend its Fees Schedule Related to Physical Port Fees (the "OIP"). On September 29, 2023, the Exchange filed the proposed fee change (SR-C2-2023-021). On October 13, 2023, the Exchange withdrew that filing and submitted SR-C2-2023-022. On December 12, 2023, the Exchange withdrew that filing and submitted SR-C2-2023-025. On February 9, 2024, the Exchange withdrew that filing and submitted this filing.

<sup>4</sup> See *e.g.*, The Nasdaq Stock Market LLC ("Nasdaq"), General 8, Connectivity to the Exchange. Nasdaq and its affiliated exchanges charge a monthly fee of \$15,000 for each 10 Gbps Ultra fiber connection to the respective exchange, which is analogous to the Exchange's 10 Gbps

physical port. See also New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE Chicago Inc., NYSE National, Inc. Connectivity Fee Schedule, which provides that 10 Gbps LX LCN Circuits (which are analogous to the Exchange's 10 Gbps physical port) are assessed \$22,000 per month, per port.

<sup>5</sup> The Affiliate Exchanges are also submitting contemporaneous identical rule filings.

<sup>6</sup> 15 U.S.C. 78f(b).

<sup>7</sup> 15 U.S.C. 78f(b)(5).

<sup>8</sup> *Id.*

<sup>9</sup> 15 U.S.C. 78f(b)(4).

<sup>10</sup> See Securities and Exchange Release No. 83455 (June 15, 2018), 83 FR 28892 (June 21, 2018) (SR-C2-2018-014).

<sup>11</sup> See <https://www.officialdata.org/us/inflation/2010?amount=1>.

<sup>12</sup> See *e.g.*, The Nasdaq Stock Market LLC ("Nasdaq"), General 8, Connectivity to the Exchange. Nasdaq and its affiliated exchanges charge a monthly fee of \$15,000 for each 10 Gbps Ultra fiber connection to the respective exchange, which is analogous to the Exchange's 10 Gbps physical port. See also New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE Chicago Inc., NYSE National, Inc. Connectivity Fee Schedule, which provides that 10 Gbps LX LCN Circuits (which are analogous to the Exchange's 10 Gbps physical port) are assessed \$22,000 per month, per port.

Commission) is reasonable. As noted above, the proposed fee is also the same as is concurrently being proposed for its Affiliate Exchanges. Further, TPHs are able to utilize a single port to connect to any of the Affiliate Exchanges with no additional fee assessed for that same physical port. Particularly, the Exchange believes the proposed monthly per port fee is reasonable, equitable and not unfairly discriminatory as it is assessed only once, even if it connects with another affiliate exchange since only one port is being used and the Exchange does not wish to charge multiple fees for the same port. Indeed, the Exchange notes that several ports are in fact purchased and utilized across one or more of the Exchange's affiliated Exchanges (and charged only once).

The Exchange also believes that the proposed fee change is not unfairly discriminatory because it would be assessed uniformly across all market participants that purchase the physical ports. The Exchange believes increasing the fee for 10 Gbps physical ports and charging a higher fee as compared to the 1 Gbps physical port is equitable as the 1 Gbps physical port is 1/10th the size of the 10 Gbps physical port and therefore does not offer access to many of the products and services offered by the Exchange (e.g., ability to receive certain market data products). Thus, the value of the 1 Gbps alternative is lower than the value of the 10 Gbps alternative, when measured based on the type of Exchange access it offers. Moreover, market participants that purchase 10 Gbps physical ports utilize the most bandwidth and therefore consume the most resources from the network. As such, the Exchange believes the proposed fee change for 10 Gbps physical ports is reasonable and appropriately allocated.

The Exchange also notes TPHs and non-TPHs will continue to choose the method of connectivity based on their specific needs and no broker-dealer is required to become a TPH of, let alone connect directly to, the Exchange. There is also no regulatory requirement that any market participant connect to any one particular exchange. Moreover, direct connectivity is not a requirement to participate on the Exchange. The Exchange also believes substitutable products and services are available to market participants, including, among other things, other options exchanges that a market participant may connect to in lieu of the Exchange, indirect connectivity to the Exchange via a third-party reseller of connectivity, and/or trading of any options product, such as within the Over-the-Counter (OTC) markets which do not require

connectivity to the Exchange. Indeed, there are currently 17 registered options exchanges that trade options (13 of which are not affiliated with Cboe), some of which have similar or lower connectivity fees.<sup>13</sup> Based on publicly available information, no single options exchange has more than approximately 20% of the market share.<sup>14</sup> Further, low barriers to entry mean that new exchanges may rapidly enter the market and offer additional substitute platforms to further compete with the Exchange and the products it offers. For example, there are 4 exchanges that have been added in the U.S. options markets in the last 5 years (i.e., Nasdaq MRX, LLC, MIAAX Pearl, LLC, MIAAX Emerald LLC, and most recently, MEMX LLC).

As noted above, there is no regulatory requirement that any market participant connect to any one options exchange, nor that any market participant connect at a particular connection speed or act in a particular capacity on the Exchange, or trade any particular product offered on an exchange. Moreover, membership is not a requirement to participate on the Exchange. Indeed, the Exchange is unaware of any one options exchange whose membership includes every registered broker-dealer. By way of example, while the Exchange has 52 TPHs, Cboe BZX has 61 members that trade options, and Cboe EDGX has 51 members that trade options. There is also no firm that is a Member of C2 Options only. Further, based on publicly available information regarding a sample of the Exchange's competitors, NYSE American Options has 71 members,<sup>15</sup> and NYSE Arca Options has 69 members,<sup>16</sup> MIAAX Options has 46 members<sup>17</sup> and MIAAX Pearl Options has 40 members.<sup>18</sup>

A market participant may also submit orders to the Exchange via a Member broker or a third-party reseller of connectivity. The Exchange notes that third-party non-TPHs also resell exchange connectivity. This indirect connectivity is another viable alternative for market participants to trade on the Exchange without

connecting directly to the Exchange (and thus not pay the Exchange connectivity fees), which alternative is already being used by non-TPHs and further constrains the price that the Exchange is able to charge for connectivity to its Exchange.<sup>19</sup> The Exchange notes that it could, but chooses not to, preclude market participants from reselling its connectivity. Unlike other exchanges, the Exchange also chooses not to adopt fees that would be assessed to third-party resellers on a per customer basis (i.e., fee based on number of TPHs that connect to the Exchange indirectly via the third-party).<sup>20</sup> Particularly, these third-party resellers may purchase the Exchange's physical ports and resell access to such ports either alone or as part of a package of services. The Exchange notes that multiple TPHs are able to share a single physical port (and corresponding bandwidth) with other non-affiliated TPHs if purchased through a third-party reseller.<sup>21</sup> This allows resellers to mutualize the costs of the ports for market participants and provide such ports at a price that may be lower than the Exchange charges due to this mutualized connectivity. These third-party sellers may also provide an additional value to market participants in addition to the physical port itself as they may also manage and monitor these connections, and clients of these third-parties may also be able to connect from the same colocation facility either from their own racks or using the third-party's managed racks and infrastructure which may provide

<sup>19</sup> Third-party resellers of connectivity play an important role in the capital markets infrastructure ecosystem. For example, third-party resellers can help unify access for customers who want exposure to multiple financial markets that are geographically dispersed by establishing connectivity to all of the different exchanges, so the customers themselves do not have to. Many of the third-party connectivity resellers also act as distribution agents for all of the market data generated by the exchanges as they can use their established connectivity to subscribe to, and redistribute, data over their networks. This may remove barriers that infrastructure requirements may otherwise pose for customers looking to access multiple markets and real-time data feeds. This facilitation of overall access to the marketplace is ultimately beneficial for the entire capital markets ecosystem, including the Exchange, on which such firms transact business.

<sup>20</sup> See, e.g., Nasdaq Price List—U.S. Direct Connection and Extranet Fees, available at, US Direct-Extranet Connection (nasdaqtrader.com); and Securities Exchange Act Release Nos. 74077 (January 16, 2022), 80 FR 3683 (January 23, 2022) (SR-NASDAQ-2015-002); and 82037 (November 8, 2022), 82 FR 52953 (November 15, 2022) (SR-NASDAQ-2017-114).

<sup>21</sup> For example, a third-party reseller may purchase one 10 Gbps physical port from the Exchange and resell that connectivity to three different market participants who may only need 3 Gbps each and leverage the same single port.

<sup>13</sup> *Id.*

<sup>14</sup> See Cboe Global Markets U.S. Options Market Volume Summary (October 13, 2023), available at <https://markets.cboe.com/us/options/market-statistics/>.

<sup>15</sup> See <https://www.nyse.com/markets/american-options/membership#directory>.

<sup>16</sup> See <https://www.nyse.com/markets/arca-options/membership#directory>.

<sup>17</sup> See [https://www.miaxglobal.com/sites/default/files/page-files/MIAAX\\_Options\\_Exchange\\_Members\\_April\\_2023\\_04282023.pdf](https://www.miaxglobal.com/sites/default/files/page-files/MIAAX_Options_Exchange_Members_April_2023_04282023.pdf).

<sup>18</sup> See [https://www.miaxglobal.com/sites/default/files/page-files/MIAAX\\_Pearl\\_Exchange\\_Members\\_01172023\\_0.pdf](https://www.miaxglobal.com/sites/default/files/page-files/MIAAX_Pearl_Exchange_Members_01172023_0.pdf).

further cost-savings. The Exchange believes such third-party resellers may also use the Exchange's connectivity as an incentive for market participants to purchase further services such as hosting services. That is, even firms that wish to utilize a single, dedicated 10 Gb port (*i.e.*, use one single 10 Gb port themselves instead of sharing a port with other firms), may still realize cost savings via a third-party reseller as it relates to a physical port because such reseller may be providing a discount on the physical port to incentivize the purchase of additional services and infrastructure support alongside the physical port offering (*e.g.*, providing space, hosting, power, and other long-haul connectivity options). This is similar to cell phone carriers offering a new iPhone at a discount (or even at no cost) if purchased in connection with a new monthly phone plan. These services may reevaluate reselling or offering Cboe's direct connectivity if they deem the fees to be excessive. Further, as noted above, the Exchange does not receive any connectivity revenue when connectivity is resold by a third-party, which often is resold to multiple customers, some of whom are agency broker-dealers that have numerous customers of their own. For example, there are approximately 12 third parties who resell Exchange connectivity across the 7 Affiliated Exchanges, which are all accessible on the same network. These third-party resellers collectively maintain approximately 48 physical ports from the Exchange, but have collectively almost 200 unique customers downstream, connected through these multi-Exchange ports. Therefore, given the availability of third-party providers that also offer connectivity solutions, the Exchange believes participation on the Exchange remains affordable (notwithstanding the proposed fee change) for all market participants, including trading firms that may be able to take advantage of lower costs that result from mutualized connectivity and/or from other services provided alongside the physical port offerings. Because third-party resellers also act as a viable alternative to direct connectivity to the Exchange, the price that the Exchange is able to charge for direct connectivity to its Exchange is constrained. Moreover, if the Exchange were to assess supracompetitive rates, members and non-members (such as third-party resellers) alike, may decide not to purchase, or to reduce its use of, the Exchange's direct connectivity. Disincentivizing market participants from purchasing Exchange connectivity

would only serve to discourage participation on the Exchange which ultimately does not benefit the Exchange. Further, the Exchange believes its offerings are more affordable as compared to similar offerings at competitor exchanges.<sup>22</sup>

Accordingly, the vigorous competition among national securities exchanges provides many alternatives for firms to voluntarily decide whether direct connectivity to the Exchange is appropriate and worthwhile, and as noted above, no broker-dealer is required to become a Member of the Exchange, let alone connect directly to it. In the event that a market participant views the Exchange's proposed fee change as more or less attractive than the competition, that market participant can choose to connect to the Exchange indirectly or may choose not to connect to that exchange and connect instead to one or more of the other 13 non-Cboe affiliated options markets. Indeed, market participants are free to choose which exchange or reseller to use to satisfy their business needs. Moreover, if the Exchange charges excessive fees, it may stand to lose not only connectivity revenues but also revenues associated with the execution of orders routed to it, and, to the extent applicable, market data revenues. The Exchange believes that this competitive dynamic imposes powerful restraints on the ability of any exchange to charge unreasonable fees for connectivity. Notwithstanding the foregoing, the Exchange still believes that the proposed fee increase is reasonable, equitably allocated and not unfairly discriminatory, even for market participants that determine to connect directly to the Exchange for business purposes, as those business reasons should presumably result in revenue capable of covering the proposed fee.

The Exchange lastly notes that it is not required by the Exchange Act, nor any other rule or regulation, to undertake a cost-of-service or rate-making approach with respect to fee proposals. Moreover, Congress's intent in enacting the 1975 Amendments to the Act was to enable competition—rather than government order—to determine

prices. The principal purpose of the amendments was to facilitate the creation of a national market system for the trading of securities. Congress intended that this “national market system evolve through the interplay of *competitive forces* as unnecessary regulatory restrictions are removed.”<sup>23</sup> Other provisions of the Act confirm that intent. For example, the Act provides that an exchange must design its rules “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.”<sup>24</sup> Likewise, the Act grants the Commission authority to amend or repeal “[t]he rules of [an] exchange [that] impose any burden on competition not necessary or appropriate in furtherance of the purposes of this chapter.”<sup>25</sup> In short, the promotion of free and open competition was a core congressional objective in creating the national market system.<sup>26</sup> Indeed, the Commission has historically interpreted that mandate to promote competitive forces to determine prices whenever compatible with a national market system. Accordingly, the Exchange believes it has met its burden to demonstrate that its proposed fee change is reasonable and consistent with the immediate filing process chosen by Congress, which created a system whereby market forces determine access fees in the vast majority of cases, subject to oversight only in particular cases of abuse or market failure. Lastly, and importantly, the Exchange believes that, even if it were possible as a matter of economic theory, cost-based pricing for the proposed fee would be so complicated that it could not be done practically.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed fee change will not impact intramarket competition because it will

<sup>23</sup> See H.R. Rep. No. 94–229, at 92 (1975) (Conf. Rep.) (emphasis added).

<sup>24</sup> 15 U.S.C. 78f(b)(5).

<sup>25</sup> 15 U.S.C. 78f(8).

<sup>26</sup> See also 15 U.S.C. 78k–l(a)(1)(C)(ii) (purposes of Exchange Act include to promote “fair competition among brokers and dealers, among exchange markets, and between exchange markets and markets other than exchange markets”); Order, 73 FR at 74781 (“The Exchange Act and its legislative history strongly support the Commission's reliance on competition, whenever possible, in meeting its regulatory responsibilities for overseeing the SROs and the national market system.”).

<sup>22</sup> See *e.g.*, The Nasdaq Stock Market LLC (“Nasdaq”), General 8, Connectivity to the Exchange. Nasdaq and its affiliated exchanges charge a monthly fee of \$15,000 for each 10 Gbps Ultra fiber connection to the respective exchange, which is analogous to the Exchange's 10 Gbps physical port. See also New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE Chicago Inc., NYSE National, Inc. Connectivity Fee Schedule, which provides that 10 Gbps LX LCN Circuits (which are analogous to the Exchange's 10 Gbps physical port) are assessed \$22,000 per month, per port.

apply to all similarly situated TPHs equally (*i.e.*, all market participants that choose to purchase the 10 Gbps physical port). Additionally, the Exchange does not believe its proposed pricing will impose a barrier to entry to smaller participants and notes that its proposed connectivity pricing is associated with relative usage of the various market participants. For example, market participants with modest capacity needs can continue to buy the less expensive 1 Gbps physical port (which cost is not changing) or may choose to obtain access via a third-party reseller. While pricing may be increased for the larger capacity physical ports, such options provide far more capacity and are purchased by those that consume more resources from the network. Accordingly, the proposed connectivity fees do not favor certain categories of market participants in a manner that would impose a burden on competition; rather, the allocation reflects the network resources consumed by the various size of market participants—lowest bandwidth consuming members pay the least, and highest bandwidth consuming members pay the most.

The Exchange's proposed fee is also still lower than some fees for similar connectivity on other exchanges and therefore may stimulate intermarket competition by attracting additional firms to connect to the Exchange or at least should not deter interested participants from connecting directly to the Exchange. Further, if the changes proposed herein are unattractive to market participants, the Exchange can, and likely will, see a decline in connectivity via 10 Gbps physical ports as a result. The Exchange operates in a highly competitive market in which market participants can determine whether or not to connect directly to the Exchange based on the value received compared to the cost of doing so. Indeed, market participants have numerous alternative venues that they may participate on and direct their order flow, including 13 non-Cboe affiliated options markets, as well as off-exchange venues, where competitive products are available for trading. Moreover, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system "has been remarkably successful in

promoting market competition in its broader forms that are most important to investors and listed companies."<sup>27</sup> The fact that this market is competitive has also long been recognized by the courts. In *NetCoalition v. Securities and Exchange Commission*, the D.C. Circuit stated as follows: "[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . ."<sup>28</sup> Accordingly, the Exchange does not believe its proposed change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange neither solicited nor received comments on the proposed rule change.

### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>29</sup> and paragraph (f) of Rule 19b-4<sup>30</sup> thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule

change is consistent with the Act. Comments may be submitted by any of the following methods:

#### *Electronic Comments*

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include file number SR-C2-2024-004 on the subject line.

#### *Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-C2-2024-004. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-C2-2024-004 and should be submitted on or before March 19, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>31</sup>

**Sherry R. Haywood,**  
Assistant Secretary.

[FR Doc. 2024-03900 Filed 2-26-24; 8:45 am]

**BILLING CODE 8011-01-P**

<sup>27</sup> See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

<sup>28</sup> *NetCoalition v. SEC*, 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782-83 (December 9, 2008) (SR-NYSEArca-2006-21)).

<sup>29</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>30</sup> 17 CFR 240.19b-4(f).

<sup>31</sup> 17 CFR 200.30-3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-99572; File No. SR-CboeEDGX-2024-014]

### Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fees Schedule Related to Physical Port Fees

February 21, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on February 12, 2024, Cboe EDGX Exchange, Inc. (the “Exchange” or “EDGX”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGX Exchange, Inc. (the “Exchange” or “EDGX Options”) proposes to amend its Fees Schedule. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is available on the Exchange’s website ([http://markets.cboe.com/us/options/regulation/rule\\_filings/edgx/](http://markets.cboe.com/us/options/regulation/rule_filings/edgx/)), at the Exchange’s Office of the Secretary, and at the Commission’s Public Reference Room.

#### II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

#### A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

##### 1. Purpose

The Exchange proposes to amend its fee schedule for its equity options platform (“EDGX Options”) relating to physical connectivity fees.<sup>3</sup>

By way of background, a physical port is utilized by a Member or non-Member to connect to the Exchange at the data centers where the Exchange’s servers are located. The Exchange currently assesses the following physical connectivity fees for Members and non-Members on a monthly basis: \$2,500 per physical port for a 1 gigabit (“Gb”) circuit and \$7,500 per physical port for a 10 Gb circuit. The Exchange proposes to increase the monthly fee for 10 Gb physical ports from \$7,500 to \$8,500 per port. The Exchange notes the proposed fee change better enables it to continue to maintain and improve its market technology and services and also notes that the proposed fee amount, even as amended, continues to be in line with, or even lower than, amounts assessed by other exchanges for similar connections.<sup>4</sup> The physical ports may also be used to access the Systems for the following affiliate exchanges and only one monthly fee currently (and will continue) to apply per port: the Exchange’s equities platform (EDGX Equities), Cboe BZX Exchange, Inc. (options and equities platforms), Cboe BYX Exchange, Inc., Cboe EDGA

<sup>3</sup> The Exchange initially filed the proposed fee changes on July 3, 2023 (SR-CboeEDGX-2023-045). On September 1, 2023, the Exchange withdrew that filing and submitted SR-CboeEDGX-2023-058. On September 29, 2023, the Securities and Exchange Commission issued a Suspension of and Order Instituting Proceedings to Determine whether to Approve or Disapprove a Proposed Rule Change to Amend its Fees Schedule Related to Physical Port Fees (the “OIP”). On September 29, 2023, the Exchange filed the proposed fee change (SR-CboeEDGX-2023-063). On October 13, 2023, the Exchange withdrew that filing and submitted SR-CboeEDGX-2023-064. On December 12, 2023, the Exchange withdrew that filing and submitted SR-CboeEDGX-2023-080. On February 9, 2024, the Exchange withdrew that filing and submitted this filing.

<sup>4</sup> See e.g., The Nasdaq Stock Market LLC (“Nasdaq”), General 8, Connectivity to the Exchange. Nasdaq and its affiliated exchanges charge a monthly fee of \$15,000 for each 10 Gb Ultra fiber connection to the respective exchange, which is analogous to the Exchange’s 10 Gb physical port. See also New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE Chicago Inc., NYSE National, Inc. Connectivity Fee Schedule, which provides that 10 Gb LX LCN Circuits (which are analogous to the Exchange’s 10 Gb physical port) are assessed \$22,000 per month, per port.

Exchange, Inc., and Cboe C2 Exchange, Inc. (“Affiliate Exchanges”).<sup>5</sup>

##### 2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the “Act”) and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.<sup>6</sup> Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>7</sup> requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>8</sup> requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with Section 6(b)(4)<sup>9</sup> of the Act, which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities.

The Exchange believes the proposed fee change is reasonable as it reflects a moderate increase in physical connectivity fees for 10 Gb physical ports. Further, the current 10 Gb physical port fee has remained unchanged since June 2018.<sup>10</sup> Since its last increase over 5 years ago however, there has been notable inflation. Particularly, the dollar has had an average inflation rate of 3.9% per year between 2018 and today, producing a cumulative price increase of approximately 21.1% inflation since the fee for the 10 Gb physical port was last modified.<sup>11</sup> Moreover, the Exchange historically does not increase fees every

<sup>5</sup> The Affiliate Exchanges are also submitting contemporaneous identical rule filings.

<sup>6</sup> 15 U.S.C. 78f(b).

<sup>7</sup> 15 U.S.C. 78f(b)(5).

<sup>8</sup> *Id.*

<sup>9</sup> 15 U.S.C. 78f(b)(4).

<sup>10</sup> See Securities and Exchange Release No. 83430 (June 14, 2018), 83 FR 28697 (June 20, 2018) (SR-CboeEDGX-2018-017).

<sup>11</sup> See <https://www officialdata.org/us/inflation/2010?amount=1>.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

year, notwithstanding inflation. Accordingly, the Exchange believes the proposed fee is reasonable as it represents only an approximate 13% increase from the rates adopted five years ago, notwithstanding the cumulative rate of 21.1%. The Exchange is also unaware of any standard that suggests any fee proposal that exceeds a certain yearly or cumulative inflation rate is unreasonable, and in any event, in this instance the increase is well below the cumulative rate.

Additionally, the Exchange believes the proposed fee increase is reasonable in light of recent and anticipated connectivity-related upgrades and changes. For example, the Exchange recently performed switch hardware upgrades. Particularly, the Exchange replaced existing customer access switches with newer models, which the Exchange believes contributes to increased determinism. Additionally, effective April 1, 2024, firms will be able to connect to a new data center (*i.e.*, Secaucus NY6 Data Center (“NY6”)), in addition the current data centers at NY4 and NY5. The Exchange is adding connectivity at NY6 in response to Customer demand and requests for additional space and capacity.

The Exchange also believes the proposed fee is reasonable as it is still in line with, or even lower than, amounts assessed by other exchanges for similar connections.<sup>12</sup> Indeed, the Exchange believes assessing fees that are a lower rate than fees assessed by other exchanges for analogous connectivity (which were similarly adopted via the rule filing process and filed with the Commission) is reasonable. As noted above, the proposed fee is also the same as is concurrently being proposed for its Affiliate Exchanges. Further, Members are able to utilize a single port to connect to any of the Affiliate Exchanges with no additional fee assessed for that same physical port. Particularly, the Exchange believes the proposed monthly per port fee is reasonable, equitable and not unfairly discriminatory as it is assessed only once, even if it connects with another affiliate exchange since only one port is being used and the Exchange does not

wish to charge multiple fees for the same port. Indeed, the Exchange notes that several ports are in fact purchased and utilized across one or more of the Exchange’s affiliated Exchanges (and charged only once).

The Exchange also believes that the proposed fee change is not unfairly discriminatory because it would be assessed uniformly across all market participants that purchase the physical ports. The Exchange believes increasing the fee for 10 Gb physical ports and charging a higher fee as compared to the 1 Gb physical port is equitable as the 1 Gb physical port is 1/10th the size of the 10 Gb physical port and therefore does not offer access to many of the products and services offered by the Exchange (*e.g.*, ability to receive certain market data products). Thus, the value of the 1 Gb alternative is lower than the value of the 10 Gb alternative, when measured based on the type of Exchange access it offers. Moreover, market participants that purchase 10 Gb physical ports utilize the most bandwidth and therefore consume the most resources from the network. As such, the Exchange believes the proposed fee change for 10 Gb physical ports is reasonably and appropriately allocated.

The Exchange also notes Members and non-Members will continue to choose the method of connectivity based on their specific needs and no broker-dealer is required to become a Member of, let alone connect directly to, the Exchange. There is also no regulatory requirement that any market participant connect to any one particular exchange. Moreover, direct connectivity is not a requirement to participate on the Exchange. The Exchange also believes substitutable products and services are available to market participants, including, among other things, other options exchanges that a market participant may connect to in lieu of the Exchange, indirect connectivity to the Exchange via a third-party reseller of connectivity, and/or trading of any options product, such as within the Over-the-Counter (OTC) markets which do not require connectivity to the Exchange. Indeed, there are currently 17 registered options exchanges that trade options (13 of which are not affiliated with Cboe), some of which have similar or lower connectivity fees.<sup>13</sup> Based on publicly available information, no single options exchange has more than approximately 20% of the market share.<sup>14</sup> Further, low

barriers to entry mean that new exchanges may rapidly enter the market and offer additional substitute platforms to further compete with the Exchange and the products it offers. For example, there are 3 exchanges that have been added in the U.S. options markets in the last 5 years (*i.e.*, Nasdaq MRX, LLC, MIAx Pearl, LLC, MIAx Emerald LLC, and most recently MEMX LLC).

As noted above, there is no regulatory requirement that any market participant connect to any one options exchange, nor that any market participant connect at a particular connection speed or act in a particular capacity on the Exchange, or trade any particular product offered on an exchange. Moreover, membership is not a requirement to participate on the Exchange. Indeed, the Exchange is unaware of any one options exchange whose membership includes every registered broker-dealer. By way of example, while the Exchange has 51 members that trade options, Cboe BZX has 61 members that trade options, and Cboe C2 has 52 Trading Permit Holders (“TPHs”) (*i.e.*, members). There is also no firm that is a Member of EDGX Options only. Further, based on publicly available information regarding a sample of the Exchange’s competitors, NYSE American Options has 71 members,<sup>15</sup> and NYSE Arca Options has 69 members,<sup>16</sup> MIAx Options has 46 members<sup>17</sup> and MIAx Pearl Options has 40 members.<sup>18</sup>

A market participant may submit orders to the Exchange via a Member broker or a third-party reseller of connectivity. The Exchange notes that third-party non-Members also resell exchange connectivity. This indirect connectivity is another viable alternative for market participants to trade on the Exchange without connecting directly to the Exchange (and thus not pay the Exchange connectivity fees), which alternative is already being used by non-Members and further constrains the price that the Exchange is able to charge for connectivity to its Exchange.<sup>19</sup> The

<https://markets.cboe.com/us/options/market-statistics/>.

<sup>15</sup> See <https://www.nyse.com/markets/american-options/membership#directory>.

<sup>16</sup> See <https://www.nyse.com/markets/arca-options/membership#directory>.

<sup>17</sup> See [https://www.miaxglobal.com/sites/default/files/page-files/MIAx\\_Options\\_Exchange\\_Members\\_April\\_2023\\_04282023.pdf](https://www.miaxglobal.com/sites/default/files/page-files/MIAx_Options_Exchange_Members_April_2023_04282023.pdf).

<sup>18</sup> See [https://www.miaxglobal.com/sites/default/files/page-files/MIAx\\_Pearl\\_Exchange\\_Members\\_01172023\\_0.pdf](https://www.miaxglobal.com/sites/default/files/page-files/MIAx_Pearl_Exchange_Members_01172023_0.pdf).

<sup>19</sup> Third-party resellers of connectivity play an important role in the capital markets infrastructure ecosystem. For example, third-party resellers can help unify access for customers who want exposure

<sup>12</sup> See *e.g.*, The Nasdaq Stock Market LLC (“Nasdaq”), General 8, Connectivity to the Exchange. Nasdaq and its affiliated exchanges charge a monthly fee of \$15,000 for each 10 Gb Ultra fiber connection to the respective exchange, which is analogous to the Exchange’s 10 Gb physical port. See also New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE Chicago Inc., NYSE National, Inc. Connectivity Fee Schedule, which provides that 10 Gb LX LCN Circuits (which are analogous to the Exchange’s 10 Gb physical port) are assessed \$22,000 per month, per port.

<sup>13</sup> *Id.*

<sup>14</sup> See Cboe Global Markets U.S. Options Market Volume Summary (October 13, 2023), available at



Exchange notes that it could, but chooses not to, preclude market participants from reselling its connectivity. Unlike other exchanges, the Exchange also chooses not to adopt fees that would be assessed to third-party resellers on a per customer basis (*i.e.*, fee based on number of Members that connect to the Exchange indirectly via the third-party).<sup>20</sup> Particularly, these third-party resellers may purchase the Exchange's physical ports and resell access to such ports either alone or as part of a package of services. The Exchange notes that multiple Members are able to share a single physical port (and corresponding bandwidth) with other non-affiliated Members if purchased through a third-party reseller.<sup>21</sup> This allows resellers to mutualize the costs of the ports for market participants and provide such ports at a price that may be lower than the Exchange charges due to this mutualized connectivity. These third-party sellers may also provide an additional value to market participants in addition to the physical port itself as they may also manage and monitor these connections, and clients of these third-parties may also be able to connect from the same colocation facility either from their own racks or using the third-party's managed racks and infrastructure which may provide further cost-savings. The Exchange believes such third-party resellers may also use the Exchange's connectivity as an incentive for market participants to purchase further services such as hosting services. That is, even firms that wish to utilize a single, dedicated 10 Gb port (*i.e.*, use one single 10 Gb port themselves instead of sharing a port

to multiple financial markets that are geographically dispersed by establishing connectivity to all of the different exchanges, so the customers themselves do not have to. Many of the third-party connectivity resellers also act as distribution agents for all of the market data generated by the exchanges as they can use their established connectivity to subscribe to, and redistribute, data over their networks. This may remove barriers that infrastructure requirements may otherwise pose for customers looking to access multiple markets and real-time data feeds. This facilitation of overall access to the marketplace is ultimately beneficial for the entire capital markets ecosystem, including the Exchange, on which such firms transact business.

<sup>20</sup> See, *e.g.*, Nasdaq Price List—U.S. Direct Connection and Extranet Fees, available at, US Direct-Extranet Connection ([nasdaqtrader.com](https://www.nasdaqtrader.com)); and Securities Exchange Act Release Nos. 74077 (January 16, 2022), 80 FR 3683 (January 23, 2022) (SR–NASDAQ–2015–002); and 82037 (November 8, 2022), 82 FR 52953 (November 15, 2022) (SR–NASDAQ–2017–114).

<sup>21</sup> For example, a third-party reseller may purchase one 10 Gb physical port from the Exchange and resell that connectivity to three different market participants who may only need 3 Gb each and leverage the same single port.

with other firms), may still realize cost savings via a third-party reseller as it relates to a physical port because such reseller may be providing a discount on the physical port to incentivize the purchase of additional services and infrastructure support alongside the physical port offering (*e.g.*, providing space, hosting, power, and other long-haul connectivity options). Further, as noted above, the Exchange does not receive any connectivity revenue when connectivity is resold by a third-party, which often is resold to multiple customers, some of whom are agency broker-dealers that have numerous customers of their own. For example, there are approximately 12 third parties who resell Exchange connectivity across the 7 Affiliated Exchanges, which are all accessible on the same network. These third-party resellers collectively maintain approximately 48 physical ports from the Exchange, but have collectively almost 200 unique customers downstream, connected through these multi-Exchange ports. Therefore given the availability of third-party providers that also offer connectivity solutions, the Exchange believes participation on the Exchange remains affordable (notwithstanding the proposed fee change) for all market participants, including trading firms that may be able to take advantage of lower costs that result from mutualized connectivity and/or from other services provided alongside the physical port offerings. Because third-party resellers also act as a viable alternative to direct connectivity to the Exchange, the price that the Exchange is able to charge for direct connectivity to its Exchange is constrained. Moreover, if the Exchange were to assess supracompetitive rates, members and non-members (such as third-party resellers) alike, may decide not to purchase, or to reduce its use of, the Exchange's direct connectivity. Disincentivizing market participants from purchasing Exchange connectivity would only serve to discourage participation on the Exchange which ultimately does not benefit the Exchange. Further, the Exchange believes its offerings are more affordable as compared to similar offerings at competitor exchanges.<sup>22</sup>

<sup>22</sup> See *e.g.*, *The Nasdaq Stock Market LLC* ("Nasdaq"), General 8, *Connectivity to the Exchange. Nasdaq and its affiliated exchanges charge a monthly fee of \$15,000 for each 10 Gbps Ultra fiber connection to the respective exchange, which is analogous to the Exchange's 10 Gbps physical port. See also* New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE Chicago Inc., NYSE National, Inc. Connectivity Fee Schedule, which provides that 10 Gbps LX LCN Circuits (which are analogous to the Exchange's 10

Accordingly, the vigorous competition among national securities exchanges provides many alternatives for firms to voluntarily decide whether direct connectivity to the Exchange is appropriate and worthwhile, and as noted above, no broker-dealer is required to become a Member of the Exchange, let alone connect directly to it. In the event that a market participant views the Exchange's proposed fee change as more or less attractive than the competition, that market participant can choose to connect to the Exchange indirectly or may choose not to connect to that exchange and connect instead to one or more of the other 13 non-Cboe affiliated options markets. Indeed, market participants are free to choose which exchange or reseller to use to satisfy their business needs. Moreover, if the Exchange charges excessive fees, it may stand to lose not only connectivity revenues but also revenues associated with the execution of orders routed to it, and, to the extent applicable, market data revenues. The Exchange believes that this competitive dynamic imposes powerful restraints on the ability of any exchange to charge unreasonable fees for connectivity. Notwithstanding the foregoing, the Exchange still believes that the proposed fee increase is reasonable, equitably allocated and not unfairly discriminatory, even for market participants that determine to connect directly to the Exchange for business purposes, as those business reasons should presumably result in revenue capable of covering the proposed fee.

The Exchange lastly notes that it is not required by the Exchange Act, nor any other rule or regulation, to undertake a cost-of-service or rate-making approach with respect to fee proposals. Moreover, Congress's intent in enacting the 1975 Amendments to the Act was to enable competition—rather than government order—to determine prices. The principal purpose of the amendments was to facilitate the creation of a national market system for the trading of securities. Congress intended that this "national market system evolve through the interplay of *competitive forces* as unnecessary regulatory restrictions are removed."<sup>23</sup> Other provisions of the Act confirm that intent. For example, the Act provides that an exchange must design its rules "to remove impediments to and perfect the mechanism of a free and open market and a national market system,

Gbps physical port) are assessed \$22,000 per month, per port.

<sup>23</sup> See H.R. Rep. No. 94–229, at 92 (1975) (Conf. Rep.) (emphasis added).



and, in general, to protect investors and the public interest.”<sup>24</sup> Likewise, the Act grants the Commission authority to amend or repeal “[t]he rules of [an] exchange [that] impose any burden on competition not necessary or appropriate in furtherance of the purposes of this chapter.”<sup>25</sup> In short, the promotion of free and open competition was a core congressional objective in creating the national market system.<sup>26</sup> Indeed, the Commission has historically interpreted that mandate to promote competitive forces to determine prices whenever compatible with a national market system. Accordingly, the Exchange believes it has met its burden to demonstrate that its proposed fee change is reasonable and consistent with the immediate filing process chosen by Congress, which created a system whereby market forces determine access fees in the vast majority of cases, subject to oversight only in particular cases of abuse or market failure. Lastly, and importantly, the Exchange believes that, even if it were possible as a matter of economic theory, cost-based pricing for the proposed fee would be so complicated that it could not be done practically.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed fee change will not impact intramarket competition because it will apply to all similarly situated Members equally (*i.e.*, all market participants that choose to purchase the 10 Gb physical port). Additionally, the Exchange does not believe its proposed pricing will impose a barrier to entry to smaller participants and notes that its proposed connectivity pricing is associated with relative usage of the various market participants. For example, market participants with modest capacity needs can continue to buy the less expensive 1 Gb physical port (which cost is not changing) or may choose to obtain access via a third-party re-seller. While pricing may be increased for the larger

capacity physical ports, such options provide far more capacity and are purchased by those that consume more resources from the network. Accordingly, the proposed connectivity fees do not favor certain categories of market participants in a manner that would impose a burden on competition; rather, the allocation reflects the network resources consumed by the various size of market participants—lowest bandwidth consuming members pay the least, and highest bandwidth consuming members pays the most.

The Exchange's proposed fee is also still lower than some fees for similar connectivity on other exchanges and therefore may stimulate intermarket competition by attracting additional firms to connect to the Exchange or at least should not deter interested participants from connecting directly to the Exchange. Further, if the changes proposed herein are unattractive to market participants, the Exchange can, and likely will, see a decline in connectivity via 10 Gb physical ports as a result. The Exchange operates in a highly competitive market in which market participants can determine whether or not to connect directly to the Exchange based on the value received compared to the cost of doing so. Indeed, market participants have numerous alternative venues that they may participate on and direct their order flow, including 13 non-Cboe affiliated options markets, as well as off-exchange venues, where competitive products are available for trading. Moreover, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system “has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.”<sup>27</sup> The fact that this market is competitive has also long been recognized by the courts. In *NetCoalition v. Securities and Exchange Commission*, the D.C. Circuit stated as follows: “[n]o one disputes that competition for order flow is ‘fierce.’ . . . As the SEC explained, ‘[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of

where to route orders for execution’; [and] ‘no exchange can afford to take its market share percentages for granted’ because ‘no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers’ . . . .”<sup>28</sup> Accordingly, the Exchange does not believe its proposed change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange neither solicited nor received comments on the proposed rule change.

#### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>29</sup> and paragraph (f) of Rule 19b-4<sup>30</sup> thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

#### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

##### *Electronic Comments*

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include file number SR-CboeEDGX-2024-014 on the subject line.

##### *Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange

<sup>28</sup> *NetCoalition v. SEC*, 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR-NYSEArca-2006–21)).

<sup>29</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>30</sup> 17 CFR 240.19b–4(f).

<sup>24</sup> 15 U.S.C. 78f(b)(5).

<sup>25</sup> 15 U.S.C. 78f(8).

<sup>26</sup> See also 15 U.S.C. 78k–l(a)(1)(C)(ii) (purposes of Exchange Act include to promote “fair competition among brokers and dealers, among exchange markets, and between exchange markets and markets other than exchange markets”); Order, 73 FR at 74781 (“The Exchange Act and its legislative history strongly support the Commission's reliance on competition, whenever possible, in meeting its regulatory responsibilities for overseeing the SROs and the national market system.”).

<sup>27</sup> See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CboeEDGX–2024–014. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CboeEDGX–2024–014 and should be submitted on or before March 19, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>31</sup>

**Sherry R. Haywood,**  
Assistant Secretary.

[FR Doc. 2024–03901 Filed 2–26–24; 8:45 am]

BILLING CODE 8011–01–P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–99581; File No. SR–MEMX–2024–05]

### Self-Regulatory Organizations; MEMX LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Exchange's Fee Schedule

February 21, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the

“Act”),<sup>1</sup> and Rule 19b–4 thereunder,<sup>2</sup> notice is hereby given that on February 8, 2024, MEMX LLC (“MEMX” or the “Exchange”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

(a) The Exchange is filing with the Commission a proposed rule change to amend the Exchange's fee schedule (the “Fee Schedule”) pursuant to Exchange Rules 15.1(a) and (c). The Exchange proposes to: (i) extend the waiver (“Membership Fee Waiver”) of membership fees (“Membership Fees”) which is currently in place for all new Members<sup>3</sup> of the Exchange, for an additional month beyond the program's current expiration on January 31, 2024; and (ii) extend the waiver of Connectivity and Application Session Fees solely related to participation on the Exchange's platform for trading equity options on MEMX Options (“Options Connectivity Fee Waiver”), which is currently in place for all new Members and non-Members<sup>4</sup> of the Exchange, for an additional month beyond the program's current expiration on January 31, 2024. The Exchange will continue to implement both the Membership Fee Waiver (as defined above) for all new Members who join the Exchange and the Options Connectivity Fee Waiver (as defined above) for all Members and non-Members of the Exchange prior to and including February 29, 2024. The text of the proposed rule change is provided in Exhibit 5.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed

any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

#### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

##### 1. Purpose

The purpose of the proposed rule change is to amend the Fee Schedule to: (i) extend the waiver (“Membership Fee Waiver”) of membership fees (“Membership Fees”) which is currently in place for all new Members<sup>5</sup> of the Exchange, for an additional month beyond the program's current expiration on January 31, 2024; and (ii) extend the waiver of Connectivity and Application Session Fees solely related to participation on the Exchange's platform for trading equity options on MEMX Options (“Options Connectivity Fee Waiver”), which is currently in place for all new Members and non-Members<sup>6</sup> of the Exchange, for an additional month beyond the program's current expiration on January 31, 2024.<sup>7</sup> The Exchange will continue to implement both the Membership Fee Waiver (as defined above) for all new Members who join the Exchange and the Options Connectivity Fee Waiver (as defined above) for all Members and non-Members of the Exchange prior to and including February 29, 2024. The Exchange notes that the proposed change does not amend any existing fee or rebate for equities or options transactions, market data or connectivity fees. The sole change proposed herein is to extend the timeframe during which the Exchange will waive Membership Fees and Options Connectivity Fees for new Members and non-Members of the Exchange.

##### Membership Fee Waiver

Currently, MEMX applies a Membership Fee Waiver to all new

<sup>5</sup> See Exchange Rule 1.5(p).

<sup>6</sup> Types of market participants that obtain connectivity services from the Exchange but are not Members include service bureaus and extranets. Service bureaus offer technology-based services to other companies for a fee, including order entry services to Members, and thus, may access application sessions on behalf of one or more Members. Extranets offer physical connectivity services to Members and non-Members.

<sup>7</sup> The Exchange initially filed the proposed changes on January 31, 2024 (SR–MEMX–2024–03). On February 8, 2024, the Exchange withdrew that filing and submitted this filing.

<sup>31</sup> 17 CFR 200.30–3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b–4.

<sup>3</sup> See Exchange Rule 1.5(p).

<sup>4</sup> Types of market participants that obtain connectivity services from the Exchange but are not Members include service bureaus and extranets. Service bureaus offer technology-based services to other companies for a fee, including order entry services to Members, and thus, may access application sessions on behalf of one or more Members. Extranets offer physical connectivity services to Members and non-Members.

Members of the Exchange, which is set to expire on January 31, 2024. Under the current Membership Fee Waiver, new Members who join the Exchange after January 31, 2024, would be assessed Membership Fees of \$200 per month to maintain active membership, and new Members whose Membership Fees were waived during the Waiver Period would be assessed Membership Fees of \$200 per month beginning February 1, 2024. In addition, in September of 2023 the Exchange adopted specific fees applicable to participation on the Exchange's platform for trading equity options ("MEMX Options").<sup>8</sup> The current Membership Fee Waiver has also been applied to new Members of MEMX Options, and thus such fees have not been imposed on such Members to date.

The Exchange believes that the existing Membership Fee Waiver has been effective in incentivizing options market participants to join MEMX Options. MEMX Options launched in September of 2023, and has been conducting a staged rollout of options available for trading on the Exchange since that time. The Exchange believes that its rollout will be complete in February of 2024 and would like to extend the Membership Fee Waiver until after its rollout is complete in the event there are options firms that are waiting to join the Exchange until after such rollout is complete. In addition, the Exchange believes the Membership Fee Waiver is a proper incentive for new participants on MEMX Options to continue to increase their participation as they become accustomed to the new trading platform.

Accordingly, the Exchange proposes to extend the time period of the Membership Fee Waiver to expire on February 29, 2024. The Exchange proposes to continue to waive Membership Fees for all new Members who join the exchange on or before February 29, 2024. Under the proposed Membership Fee Waiver, new Members who join the Exchange after February 29, 2024, will be assessed Membership Fees to maintain active membership and if applicable, Members who participate on MEMX Options will be assessed the specific Additional Fees<sup>9</sup> applicable to such participation. Similarly, new Members whose Membership Fees have been waived since joining the Exchange

will be assessed Membership Fees, including Additional Fees applicable to participation on MEMX Options, if applicable, beginning March 1, 2024. In addition, new Members of MEMX Options who join after February 29, 2024, will be assessed Membership Fees of \$200 per month to maintain active membership, and new Members whose Membership Fees were waived will be assessed Membership Fees of \$200 per month beginning March 1, 2024. Specifically, the Exchange is proposing to amend the Exchange's Membership Fee Schedule to provide that Membership Fees will be waived for new Members of the Exchange until March 1, 2024.

#### Options Connectivity Fee Waiver

Currently, MEMX applies an Options Connectivity Fee Waiver to all Members and non-Members of the Exchange, which is set to expire on January 31, 2024. Under the current Options Connectivity Fee Waiver, fees charged to Members and Non-Members for physical connectivity to MEMX Options<sup>10</sup> and for application sessions (otherwise known as "logical ports") that a Member utilizes in connection with their participation on MEMX Options would not be assessed until February 1, 2024. Specifically, the physical connectivity fees are \$6,000 per month for a physical connection in the data center where the Exchange primarily operates under normal market conditions ("Primary Data Center"), and \$3,000 per month for a physical connection at the geographically diverse data center, which is operated for backup and disaster recovery purposes ("Secondary Data Center"), and the application session fees are \$450 per month for an application session used for order entry ("Order Entry Port") and \$450 per month for an application session for receipt of drop copies ("Drop Copy Port"), to the extent such ports are in the Primary Data Center.<sup>11</sup>

The Exchange believes that the existing Options Connectivity Waiver has been effective in incentivizing options market participants to join MEMX Options. As noted above, MEMX Options launched in September of 2023, and has been conducting a staged rollout of options available for trading on the Exchange since that time. The

Exchange believes that its rollout will be complete in February of 2024 and would like to extend the Options Connectivity Fee Waiver until after its rollout is complete in the event there are options firms that are waiting to join the Exchange until after such rollout is complete. In addition, the Exchange believes the Options Connectivity Fee Waiver is a proper incentive for new participants on MEMX Options to continue to increase their participation as they become accustomed to the new trading platform.

Accordingly, the Exchange proposes to extend the time period of the Options Connectivity Fee Waiver to expire on February 29, 2024. The Exchange proposes to continue to waive Options Connectivity Fees for all Members and non-Members of exchange on or before February 29, 2024. Under the proposed Membership Fee Waiver, applicable Options Connectivity Fees of \$6,000 per month for each physical connection in the Primary Data Center and \$3,000 per month for each physical connection in the Secondary Center, and \$450 per month for each Order Entry Port and Drop Copy Port in the Exchange's Primary Data Center will be assessed to Members and non-Members beginning March 1, 2024. Specifically, the Exchange is proposing to amend the Exchange's Connectivity Fee Schedule to provide that all Connectivity and Application Sessions fees solely related to participation on MEMX Options shall be waived until March 1, 2024.

#### 2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,<sup>12</sup> in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,<sup>13</sup> in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes it is reasonable to extend the timeframe of the Membership Fee Waiver for new Members of the Exchange, primarily to continue to provide an incentive for options trading firms to continue to apply for Exchange membership during the current phase of the rollout of MEMX Options. The options markets are quote-driven markets and are dependent on liquidity providers for liquidity and price discovery. Extending the timeframe of the Membership Fee

<sup>8</sup> See Securities Exchange Act Release No. 98648 (September 29, 2023), 88 FR 68762 (October 4, 2023) (SR-MEMX-2023-26).

<sup>9</sup> Additional Fees applicable to Options Members, per the Exchange's Fee Schedule, include monthly fees specifically applicable to Options Order Entry Firms or Options Market Makers, both as defined in the Fee Schedule.

<sup>10</sup> Physical connections may be used to access both MEMX equities and options platforms, as such, the Exchange internally verifies whether new connections are being used solely for Options connections in order to determine whether such connection qualifies for the Options Connectivity Fee Waiver.

<sup>11</sup> See Securities Exchange Act Release No. 99275 (January 4, 2024), 89 FR 1606 (January 10, 2024) (SR-MEMX-2023-39).

<sup>12</sup> 15 U.S.C. 78f.

<sup>13</sup> 15 U.S.C. 78f(b)(4) and (5).

Waiver will continue to encourage additional liquidity providers to become members of the Exchange, which may result in more trading opportunities, enhanced competition, and improved overall market quality on the Exchange. Although the proposed extension of the Membership Fee Waiver timeframe is intended primarily to encourage new participants to join the Exchange in order to participate on the MEMX Options market and the Exchange believes the participants that will benefit from this waiver are firms that will do so, the Exchange also believes that it is reasonable to continue applying the Membership Fee Waiver broadly to all new participants on the Exchange during the timeframe extension, including firms that would trade only on the Exchange's market for equity securities or on both the Exchange's market for equity securities and MEMX Options.

In addition, the Exchange believes that the proposed extension of the Membership Fee Waiver is equitable and not unfairly discriminatory in that it will apply uniformly to all new Members of the Exchange. Further, the Exchange believes that the proposed extension of the waiver is reasonable, equitable and not unfairly discriminatory to current Members of the Exchange because the majority of the Exchange's existing Members joined at a time when the Exchange did not impose membership fees (also to incentivize such participants to join), and thus have already received this benefit.

The Exchange believes it is reasonable to extend the timeframe of the Options Connectivity Fee Waiver for new and existing Members and non-Members of the Exchange, primarily to continue to provide an incentive for options trading firms to continue to apply for Exchange membership during the current phase of the rollout of MEMX Options. The options markets are quote-driven markets and are dependent on liquidity providers for liquidity and price discovery. Extending the timeframe of the Options Connectivity Fee Waiver will continue to encourage additional liquidity providers to become members of the Exchange, which may result in more trading opportunities, enhanced competition, and improved overall market quality on the Exchange.

In addition, the Exchange believes that the proposed extension of the Options Connectivity Fee Waiver is equitable and not unfairly discriminatory in that it will apply uniformly to all Members and non-Members of the Exchange.

### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, as discussed above, the Exchange believes that the proposed change would encourage market participants who have not already done so to join the Exchange. As a result, if such participants do join the Exchange and route their orders to the Exchange or support other Members that route orders (*i.e.*, clearing firms) the Exchange believes the proposal would further enhance its competitiveness as a market. Encouraging additional participants to join the Exchange will enable a greater number of participants to participate on MEMX Options during the continued rollout of the platform. Further, the Exchange believes that by continuing to make the Membership Fee Waiver applicable to both the Exchange's options platform and the Exchange's equity platform for an extended time period, the proposal will enhance the competitiveness of both platforms. Attracting a greater number of participants will foster greater competition on the Exchange, particularly in the case of MEMX Options which is a quote-driven market. For these reasons, the Exchange believes that the proposal furthers the Commission's goal in adopting Regulation NMS of fostering competition among orders, which promotes "more efficient pricing of individual stocks for all types of orders, large and small."<sup>14</sup>

### *Intramarket Competition*

As discussed above, the Exchange believes that the proposal would encourage new participants to apply for Exchange membership, thereby enhancing liquidity and market quality on the Exchange, as well as enhancing the attractiveness of the Exchange as a trading venue, which the Exchange believes, in turn, would continue to encourage market participants to direct additional order flow to the Exchange.

The Exchange does not believe that the proposed changes would impose any burden on intramarket competition because such changes will incentivize new participants to join the Exchange and the majority of the Exchange's current members joined at a time when the Exchange did not impose membership fees (also to incentivize

such participants to join), and thus have already received this benefit. The options markets are quote-driven markets and are dependent on liquidity providers for liquidity and price discovery. The proposal will be of particular importance in encouraging additional liquidity providers to become members of the Exchange, which may result in more trading opportunities, enhanced competition, and improved overall market quality on the Exchange. Similarly, the Exchange believes that extending the timeframe of the Options Connectivity Fee Waiver will continue to provide an incentive for options trading firms to continue to participate on the Exchange during the current phase of the rollout of MEMX Options. For the foregoing reasons, the Exchange believes the proposed changes would not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act.

### *Intermarket Competition*

As described above, the proposed extension of the Membership Fee Waiver and Options Connectivity Fee Waiver timeframes will incentivize market participants to join the Exchange during the extended Waiver periods. Accordingly, the Exchange believes the proposal would not burden, but rather promote, intermarket competition by enabling it to better compete with other options exchanges during the continued rollout of MEMX Options. In addition, as noted above, the Exchange has intentionally proposed to apply the Membership Fee Waiver broadly so that it continues to be applicable to new Members that will participate on the Exchange's market for equity securities or that will participate on such market as well as MEMX Options, and thus, the proposal may also better enable the Exchange to compete with other options exchanges and equities exchanges.

### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange neither solicited nor received comments on the proposed rule change.

### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section

<sup>14</sup> Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) ("Regulation NMS Adopting Release").

19(b)(3)(A)(ii) of the Act<sup>15</sup> and Rule 19b-4(f)(2)<sup>16</sup> thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

#### IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

##### *Electronic Comments*

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include file number SR-MEMX-2024-05 on the subject line.

##### *Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090. All submissions should refer to file number SR-MEMX-2024-05. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also

will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-MEMX-2024-05 and should be submitted on or before March 19, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>17</sup>

**Sherry R. Haywood,**

*Assistant Secretary.*

[FR Doc. 2024-03904 Filed 2-26-24; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-99580; File No. SR-NASDAQ-2024-006]

### Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt a Temporary Listing Fee Waiver for Ukrainian Companies Until December 31, 2028

February 21, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on February 12, 2024, The Nasdaq Stock Market LLC ("Nasdaq" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to adopt a temporary listing fee waiver for Ukrainian companies until December 31, 2028.

The text of the proposed rule change is available on the Exchange's website at <https://listingcenter.nasdaq.com/rulebook/nasdaq/rules>, at the principal office of the Exchange, and at the Commission's Public Reference Room.

<sup>17</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

##### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

The purpose of the proposed rule change is to waive certain entry fees (including the application fee) and All-Inclusive Annual fees for Ukrainian Companies listing on Nasdaq for a time period until December 31, 2028.<sup>3</sup> This fee waiver will be applicable to Ukrainian Companies listed on or after the effective date of this rule change.

On February 24, 2022, Russia invaded Ukraine causing a humanitarian crisis that has left tens of thousands of dead, displaced millions and sown economic turmoil in Ukraine. Ukraine's economy has been crippled and some cities have faced massive devastation from the fighting. Ukraine's economy contracted by 30% in 2022 and was forecast to grow by of 1% to 3% in 2023, according to the International Monetary Fund.<sup>4</sup>

The White House supports Ukrainian efforts to stop the aggression and is also focused on reconstruction efforts. In this regard, President Biden recently stated that:

The United States will continue our work, together with partners all around the world, to support Ukraine's ability to defend itself against Russia's aggression, to uphold the foundational principles of the UN Charter, and to help the Ukrainian people build the secure, prosperous, and independent future they deserve.<sup>5</sup>

Further, according to USAID, a United States Agency that leads the U.S. government's international development and humanitarian efforts:

<sup>3</sup> As of the date of this filing, there are no Ukrainian Companies listed on Nasdaq.

<sup>4</sup> See Reuters, Blood and billions: the cost of Russia's war in Ukraine at <https://www.nasdaq.com/articles/explainer-blood-and-billions-the-cost-of-russias-war-in-ukraine>.

<sup>5</sup> <https://www.whitehouse.gov/briefing-room/statements-releases/2023/08/24/statement-from-president-joe-biden-on-ukraine-independence-day/>.

<sup>15</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>16</sup> 17 CFR 240.19b-4(f)(2).

Since Putin's full-scale war against Ukraine on February 24, 2022, the United States, through USAID, has surged support to rapidly address urgent humanitarian needs, while also investing in Ukraine's economy and building resilient infrastructure and institutions to help Ukraine recover from Putin's ruthless attacks and sustain a lasting peace.<sup>6</sup>

Nasdaq notes that the Government of the United States has identified the private sector as one of key factors for the successful Ukraine reconstruction efforts and is encouraging investment in Ukraine.

Similarly, Nasdaq also believes that reconstruction of Ukrainian infrastructure damaged or destroyed during the invasion and creation of a new European economic model for Ukraine will be based on free enterprise, attraction of international capital, the best international experience and market practices, and a fair and attractive business climate. As such, Nasdaq proposes to temporarily waive entry and annual fees for Ukrainian Companies listing on Nasdaq. Specifically, Nasdaq proposes to waive the entry fee (including the application fee) and the All-Inclusive Annual Listing Fee described in Rule 5910 (with respect to the Nasdaq Global Market, including the Nasdaq Global Select Market) and Rule 5920 (with respect to the Nasdaq Capital Market) for Ukrainian Companies until December 31, 2028.<sup>7</sup> Nasdaq believes that this temporary waiver will ease the listing of Ukrainian companies on Nasdaq and thereby help those companies to attract international capital, facilitating capital formation and creating opportunities for economic growth both for these companies and the Ukrainian economy overall.

Nasdaq proposes to define a Ukrainian Company for purposes of this fee waiver to mean a Company<sup>8</sup> incorporated in Ukraine or a Company whose business is principally administered in Ukraine. A Company's business will be considered to be principally administered in Ukraine if: (i) at least 50% of the Company's assets are located in that jurisdiction; or (ii) at least 50% of the Company's revenues are derived from that jurisdiction. The proposed definition of a Ukrainian Company is based in part on Rule 5005(a)(37) which defines when a

company is from a Restrictive Market.<sup>9</sup> Nasdaq believes the proposed definition of a Ukrainian Company is appropriate given the significant connection it requires to Ukraine and the Exchange's experience in applying the similar definition.<sup>10</sup>

## 2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,<sup>11</sup> in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,<sup>12</sup> in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

Specifically, Nasdaq believes that the proposed fee waivers are equitable and not unfairly discriminatory as they are being implemented to support companies that are incorporated in or whose business is principally administered in Ukraine—a country operating under conditions unprecedented during this century caused by a full scale military invasion, as described above. Nasdaq believes that Ukraine stands in unique circumstances, facing an almost two-year long invasion by a member of the United Nations Security Council, while the United Nations, in just its eleventh emergency special session ever, overwhelmingly adopted a resolution demanding the Russian Federation immediately end its invasion and unconditionally withdraw.<sup>13</sup> Nasdaq believes that waiving these fees will facilitate the listing of Ukrainian companies on Nasdaq in the United States, providing them access to a deep

pool of liquidity to raise capital to use in the rebuilding of the Ukrainian economy, consistent with the goals of the United States government and Nasdaq's interest in speeding the recovery of the Ukraine economy in these unique circumstances. Finally, Nasdaq believes that it will also allow these companies to reinvest the money that otherwise would be paid to Nasdaq into those reconstruction efforts.

## B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed waiver will be available to all similarly situated issuers on the same basis. Moreover, the companies eligible for the waiver will be faced with operating under conditions unprecedented during this century caused by a full scale military invasion, as described above—conditions not generally experienced by other companies that are not eligible for the waiver. As such, the Exchange does not believe that the proposed temporary waivers will have any meaningful effect on the competition among issuers listed on the Exchange.

The Exchange operates in a highly competitive market in which issuers can readily choose to list new securities on other exchanges and transfer listings to other exchanges if they deem fee levels at those other venues to be more favorable. Because competitors are free to modify their own fees in response, and because issuers may change their listing venue, the Exchange does not believe its proposed fee change will impose any burden on intermarket competition.

## C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.<sup>14</sup>

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in

<sup>9</sup> Rule 5005(a)(37) defines Restrictive Market as a jurisdiction that does not provide the Public Company Accounting Oversight Board with access to conduct inspections of public accounting firms that audit Nasdaq-listed companies. A Company's business will be considered to be principally administered in a Restrictive Market if: (i) the Company's books and records are located in that jurisdiction; (ii) at least 50% of the Company's assets are located in such jurisdiction; or (iii) at least 50% of the Company's revenues are derived from such jurisdiction. While the location of the Company's books and records were a factor in determining whether a company was in a Restrictive Market because of the inability of the PCAOB to inspect those books and records, Nasdaq does not believe that element is appropriate as a sole determination as to whether a company is principally administered in Ukraine.

<sup>10</sup> *Id.*

<sup>11</sup> 15 U.S.C. 78f(b).

<sup>12</sup> 15 U.S.C. 78f(b)(4) and (5).

<sup>13</sup> See General Assembly Overwhelmingly Adopts Resolution Demanding Russian Federation Immediately End Illegal Use of Force in Ukraine, Withdraw All Troops at <https://press.un.org/en/2022/ga12407.doc.htm>.

<sup>6</sup> See USAID Response in Ukraine at <https://www.usaid.gov/usaaid-response-ukraine>.

<sup>7</sup> Based on conditions at the end of the waiver, Nasdaq may file a subsequent proposed rule change to extend this waiver.

<sup>8</sup> Rule 5005(a)(6) defines "Company" as the issuer of a security listed or applying to list on Nasdaq.

<sup>14</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

#### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

##### *Electronic Comments*

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include file number SR–NASDAQ–2024–006 on the subject line.

##### *Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–NASDAQ–2024–006. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number

SR–NASDAQ–2024–006 and should be submitted on or before March 19, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>15</sup>

**Sherry R. Haywood,**  
*Assistant Secretary.*

[FR Doc. 2024–03903 Filed 2–26–24; 8:45 am]

BILLING CODE 8011–01–P

#### SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–99577; File No. SR–MSRB–2023–06]

##### **Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Notice of Withdrawal of Proposed Rule Change To Establish the 2024 Rate Card Fees for Dealers and Municipal Advisors Pursuant to MSRB Rules A–11 and A–13**

February 21, 2024.

On November 30, 2023, the Municipal Securities Rulemaking Board (“MSRB”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934<sup>1</sup> (“Exchange Act”) and Rule 19b–4 thereunder,<sup>2</sup> a proposed rule change to establish the 2024 Rate Card Fees for Dealers and Municipal Advisors.<sup>3</sup> The proposed rule change was immediately effective upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Exchange Act.<sup>4</sup> The proposed rule change was published for comment in the **Federal Register** on December 12, 2023.<sup>5</sup> Pursuant to Section 19(b)(3)(C) of the Exchange Act,<sup>6</sup> the Commission temporarily suspended the proposed rule change and instituted proceedings to determine whether to approve or disapprove the proposed rule change on January 29, 2024.<sup>7</sup> The Commission requested public comment on: (i) what process the MSRB should undertake to

<sup>15</sup> 17 CFR 200.30–3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b–4.

<sup>3</sup> See Securities Exchange Act Release No. 34–99096 (December 6, 2023), 88 FR 86188 (December 12, 2023) (“Notice”).

<sup>4</sup> 15 U.S.C. 78s(b)(3)(A). A proposed rule change may take effect upon filing with the Commission if it is designated by the SRO as “establishing or changing a due, fee, or other charge imposed by the self-regulatory organization on any person, whether or not the person is a member of the self-regulatory organization.” 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>5</sup> See Notice 88 FR at 86188. Comments on the proposed rule change can be found at: <https://www.sec.gov/comments/sr-msrb-2023-06/srmsrb202306.htm>.

<sup>6</sup> 15 U.S.C. 78s(b)(3)(C).

<sup>7</sup> See Securities Exchange Act Release No. 34–99444 (January 29, 2024), 89 FR 7424 (February 2, 2024).

ensure that the fees assessed in its Rate Card filing and underlying Budget are both reasonable and capable of meaningful evaluation by the public, market participants, and the Commission; (ii) what specific data and information the MSRB should publicly disclose (that it does not currently publicly disclose); (iii) when the MSRB should file its Rate Card each year; (iv) whether the MSRB's representations about the cost, functionality, and evolution of the EMMA system have been consistent with actual practice in the years since EMMA was adopted; and (v) what general steps could be taken in the future to minimize the potential operational disruption caused by either the Commission suspending a Rate Card filing or a Rate Card otherwise not being effective on January 1 of the calendar year.<sup>8</sup>

On February 16, 2024, the MSRB withdrew the proposed rule change (SR–MSRB–2023–06).

For the Commission, pursuant to delegated authority.<sup>9</sup>

**Sherry R. Haywood,**  
*Assistant Secretary.*

[FR Doc. 2024–03902 Filed 2–26–24; 8:45 am]

BILLING CODE 8011–01–P

#### SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20207 and #20208; NORTH DAKOTA Disaster Number ND–20001]

##### **Presidential Declaration of a Major Disaster for Public Assistance Only for the State of North Dakota**

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice.

**SUMMARY:** This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of North Dakota (FEMA–4760–DR), dated 02/15/2024.

*Incident:* Severe Winter Storm and Straight-line Winds.

*Incident Period:* 12/25/2023 through 12/27/2023.

**DATES:** Issued on 02/15/2024.

*Physical Loan Application Deadline Date:* 04/15/2024.

*Economic Injury (EIDL) Loan Application Deadline Date:* 11/15/2024.

**ADDRESSES:** Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

**FOR FURTHER INFORMATION CONTACT:** Alan Escobar, Office of Disaster

<sup>8</sup> *Id.* at 7428.

<sup>9</sup> 17 CFR 200.30–3(a)(12).



Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that as a result of the President's major disaster declaration on 02/15/2024, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications online using the MySBA Loan Portal <https://lending.sba.gov> or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at [disastercustomerservice@sba.gov](mailto:disastercustomerservice@sba.gov) or by phone at 1-800-659-2955 for further assistance.

The following areas have been determined to be adversely affected by the disaster:

**Primary Counties:** Barnes, Cass, Dickey, Grant, LaMoore, Logan, McIntosh, Ransom, Richland, Sargent, Steele, Stutsman, Traill.

The Interest Rates are:

	Percent
<b>For Physical Damage:</b>	
Non-Profit Organizations with Credit Available Elsewhere ...	3.250
Non-Profit Organizations without Credit Available Elsewhere .....	3.250
<b>For Economic Injury:</b>	
Non-Profit Organizations without Credit Available Elsewhere .....	3.250

The number assigned to this disaster for physical damage is 20207B and for economic injury is 202080.

(Catalog of Federal Domestic Assistance Number 59008)

**Francisco Sánchez, Jr.,**

*Associate Administrator, Office of Disaster Recovery & Resilience.*

[FR Doc. 2024-03960 Filed 2-26-24; 8:45 am]

**BILLING CODE 8026-09-P**

## SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA-2023-0038]

### Privacy Act of 1974; System of Records

**AGENCY:** Social Security Administration (SSA).

**ACTION:** Notice of a modified system of records.

**SUMMARY:** In accordance with the Privacy Act of 1974, we are issuing public notice of our intent to modify our existing systems of records listed below under the System Name and Number section. This notice publishes details of the modified systems as set forth below under the caption, **SUPPLEMENTARY INFORMATION**.

**DATES:** The system of records notice (SORN) is applicable upon its publication in today's **Federal Register**, with the exception of the new routine use, which is effective March 28, 2024.

We invite public comment on the addition of the routine use. In accordance with the Privacy Act of 1974, we are providing the public a 30-day period in which to submit comments. Therefore, please submit any comments by March 28, 2024.

**ADDRESSES:** The public, Office of Management and Budget (OMB), and

Congress may comment on this publication by writing to the Executive Director, Office of Privacy and Disclosure, Office of the General Counsel, SSA, Room G-401, West High Rise, 6401 Security Boulevard, Baltimore, Maryland 21235-6401, or through the Federal e-Rulemaking Portal at <https://www.regulations.gov>. Please reference docket number SSA-2023-0038. All comments we receive will be available for public inspection at the above address, and we will post them to <https://www.regulations.gov>.

### FOR FURTHER INFORMATION CONTACT:

Tristin Dorsey, Government Information Specialist, Privacy Implementation Division, Office of Privacy and Disclosure, Office of the General Counsel, SSA, Room G-401, West High Rise, 6401 Security Boulevard, Baltimore, Maryland 21235-6401, telephone: (410) 966-5855, email: [OGC.OPD.SORN@ssa.gov](mailto:OGC.OPD.SORN@ssa.gov).

### SUPPLEMENTARY INFORMATION:

Recognizing that representatives sometimes work on behalf of and receive a salary from an entity when performing services for an individual filing for and receiving benefits, we are modifying an existing routine use in the Attorney Fee File (60-0003) and establishing a new routine use in the Claims Folders System (60-0089) to reflect the following:

*To a representative (current or former) or the entity with which the representative has affiliated through registration, to the extent necessary to dispose of a fee petition or fee agreement or resolve other fee related issues in claims-related matters, but not to include pre-decisional deliberative documents, such as analyses and recommendations prepared for the decision-maker.*

System number and name	Routine uses	Federal Register citation number/ publication date
60-0003—Attorney Fee File .....	No. 4 .....	71 FR 1803, 01/11/06. 72 FR 69723, 12/10/07. 83 FR 54969, 11/01/18. 84 FR 58422, 10/31/19.
60-0089—Claims Folders System .....	No. 39 .....	

We are not republishing the system of records notices in their entirety. Instead, we are republishing only the identification number; the system of records name; the number of the modified or new routine use; and the issue of the **Federal Register** in which the system of records notice was last published in full, including the subsequent modification to the system of records notice's publication date and page number.

### SECURITY CLASSIFICATION:

Unclassified.

### SYSTEM LOCATION:

SSA provides the address of the component and system manager responsible for each system in the **Federal Register** notices listed above.

### SYSTEM MANAGER(S):

SSA provides the title, business address, and contact information of the agency official who is responsible for

the system in the **Federal Register** notices listed above.

### HISTORY:

SSA provides the citation to the last fully published **Federal Register** notices, as well as, last subsequent modification notice to the system of records notices listed above.

In accordance with 5 U.S.C. 552a(r), we have provided a report to OMB and



Congress on this modified system of records.

**Matthew Ramsey,**  
*Executive Director, Office of Privacy and Disclosure, Office of the General Counsel.*  
[FR Doc. 2024–03949 Filed 2–26–24; 8:45 am]  
**BILLING CODE 4191–02–P**

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA–2023–0037]

Privacy Act of 1974; System of Records

**AGENCY:** Social Security Administration (SSA).  
**ACTION:** Notice of a modified system of records.

**SUMMARY:** In accordance with the Privacy Act of 1974, we are issuing public notice of our intent to modify our existing systems of records listed below under the System Name and Number section. This notice publishes details of the modified systems as set forth below under the caption, **SUPPLEMENTARY INFORMATION**.

**DATES:** The system of records notice (SORN) is applicable upon its publication in today’s **Federal Register**,

with the exception of the new routine use, which is effective March 28, 2024.

We invite public comment on the addition of the routine use. In accordance with the Privacy Act of 1974, we are providing the public a 30-day period in which to submit comments. Therefore, please submit any comments by March 28, 2024.

**ADDRESSES:** The public, Office of Management and Budget (OMB), and Congress may comment on this publication by writing to the Executive Director, Office of Privacy and Disclosure, Office of the General Counsel, SSA, Room G–401 West High Rise, 6401 Security Boulevard, Baltimore, Maryland 21235–6401, or through the Federal e-Rulemaking Portal at <https://www.regulations.gov>. Please reference docket number SSA–2023–0037. All comments we receive will be available for public inspection at the above address, and we will post them to <https://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Tristin Dorsey, Government Information Specialist, Privacy Implementation Division, Office of Privacy and Disclosure, Office of the General Counsel, SSA, Room G–401 West High Rise, 6401 Security Boulevard, Baltimore, Maryland 21235–6401,

telephone: (410) 966–5855, email: [OGC.OPD.SORN@ssa.gov](mailto:OGC.OPD.SORN@ssa.gov).

**SUPPLEMENTARY INFORMATION:** Claimants may appoint a representative to assist them when they are conducting business with SSA. However, the appointed representative may work with others such as a contractor to efficiently serve their client, *e.g.*, copy retrieval service to obtain documents. We are updating the existing routine uses in the systems of records listed below to reflect the following:

*To claimants, prospective claimants (other than the data subject), and their appointed representatives and those working with such representatives (including, but not limited to, partners, associates, and contractors) when the information pertains to the individuals whom the appointed representative is representing; and to representative payees, when the information pertains to individuals for whom they serve as representative payees, for the purpose of assisting us in administering representative payment responsibilities under the Social Security Act, to the extent necessary to pursue Social Security claims, and for the purpose of assisting them in performing their duties as payees, including receiving and accounting for benefits for individuals for whom they serve as payees.*

**SYSTEM NAME AND NUMBER:**

System number and name	Routine uses	Federal Register citation No./ publication date
60–0089—Claims Folders System .....	No. 17 .....	84 FR 58422, 10/31/19.
60–0090—Master Beneficiary Record .....	No. 1 .....	71 FR 1829, 01/11/06. 72 FR 69723, 12/10/07. 78 FR 40542, 07/05/13. 83 FR 31250, 07/03/18. 83 FR 31251, 07/03/18. 83 FR 54969, 11/01/18.
60–0103—Supplemental Security Income Record and Special Veterans Benefits .....	No. 27 .....	71 FR 1830, 01/11/06. 72 FR 69723, 12/10/07. 83 FR 31250, 07/03/18. 83 FR 31251, 07/03/18. 83 FR 54969, 11/01/18.
60–0320—Electronic Disability Claim File (eDib) .....	No. 18 .....	85 FR 34477, 06/04/20.

We are not republishing the system of records notices in their entirety. Instead, we are republishing only the identification number; the system of records name; the number of the modified routine use; and the issue of the **Federal Register** in which the system of records notice was last published in full, including the subsequent modification to the system of records notice’s publication date and page number.

**SECURITY CLASSIFICATION:**  
Unclassified.

**SYSTEM LOCATION:**  
SSA provides the address of the component and system manager responsible for each system in the **Federal Register** notices listed above.

**SYSTEM MANAGER(S):**  
SSA provides the title, business address, and contact information of the agency official who is responsible for the system in the **Federal Register** notices listed above.

**HISTORY:**  
SSA provides the citation to the last fully published **Federal Register** notice, as well as last subsequent modification

notice to the system of records notices listed above.

In accordance with 5 U.S.C. 552a(r), we have provided a report to OMB and Congress on this modified system of records.

**Matthew Ramsey,**  
*Executive Director, Office of Privacy and Disclosure, Office of the General Counsel.*  
[FR Doc. 2024–03947 Filed 2–26–24; 8:45 am]  
**BILLING CODE 4191–02–P**

## DEPARTMENT OF STATE

[Public Notice: 12343]

**Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: “Art and War in the Renaissance: The Battle of Pavia Tapestries” Exhibition**

**SUMMARY:** Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to an agreement with their foreign owner or custodian for temporary display in the exhibition “Art and War in the Renaissance: The Battle of Pavia Tapestries” at the Kimbell Art Museum, Fort Worth, Texas; the Fine Arts Museums of San Francisco, de Young Museum, San Francisco, California; The Museum of Fine Arts, Houston, in Houston, Texas; and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:**

Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: [section2459@state.gov](mailto:section2459@state.gov)). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

**SUPPLEMENTARY INFORMATION:** The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Nicole L. Elkon,

*Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.*

[FR Doc. 2024–03933 Filed 2–26–24; 8:45 am]

BILLING CODE 4710–05–P

## DEPARTMENT OF TRANSPORTATION

**Federal Aviation Administration**

[Docket No. FAA–2023–1076]

**Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: Aging Aircraft Program (Widespread Fatigue Damage)**

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

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 30-day comment period soliciting comments on the following collection of information was published on February 21, 2024. The collection involves submittal of limits of validity of engineering data that supports the structural maintenance program (hereafter referred to as LOV) for certain airplane models. The information to be collected will be used to demonstrate compliance with FAA regulations requiring establishment and incorporation of LOV into the airplane’s structural maintenance program.

**DATES:** Written comments should be submitted by March 28, 2024.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

**FOR FURTHER INFORMATION CONTACT:**

Kamruz.Zaman by email at: [Kamruz.Zaman@faa.gov](mailto:Kamruz.Zaman@faa.gov); phone: 516–228–7355.

**SUPPLEMENTARY INFORMATION:**

*Public Comments Invited:* You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA’s performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information.

OMB Control Number: 2120–0743.

*Title:* Aging Aircraft Program (Widespread Fatigue Damage).

*Form Numbers:* There are no FAA forms associated with this collection.

*Type of Review:* Renewal of an information collection.

*Background:* The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published May 30, 2023 (88 FR 34556). The “Aging Aircraft Program (Widespread Fatigue Damage)” final rule amended FAA regulations pertaining to certification and operation of transport category airplanes to preclude widespread fatigue damage in those airplanes. This collection requires that design approval holders submit LOV to the responsible Aircraft Certification Service office for approval to demonstrate compliance with § 26.21 or § 26.23, as applicable. This collection also requires that operators submit the LOV to their Principal Maintenance Inspectors to demonstrate compliance with § 121.1115 or § 129.115, as applicable.

*Respondents:* Approximately 27 design approval holders and operators.

*Frequency:* Information is collected on occasion.

*Estimated Average Burden per Response:* 2.72 hours.

*Estimated Total Annual Burden:* 408 hours.

Issued in Washington, DC, on February 22, 2024.

Sandra L. Ray,

*Aviation Safety Inspector, AFS–260.*

[FR Doc. 2024–03964 Filed 2–26–24; 8:45 am]

BILLING CODE 4910–13–P

## DEPARTMENT OF TRANSPORTATION

**Federal Highway Administration**

[Docket No. FHWA–2024–0013]

**Agency Information Collection Activities: Notice of Request for Extension of Currently Approved Information Collection**

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of request for extension of currently approved information collection.

**SUMMARY:** The FHWA has forwarded the information collection request described in this notice to the Office of Management and Budget (OMB) for an extension of an information collection. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

**DATES:** Please submit comments by March 28, 2024.

**ADDRESSES:** You may submit comments identified by DOT Docket ID Number 0013 by any of the following methods:

*Website:* For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to <http://www.regulations.gov>.

Follow the online instructions for submitting comments.

*Fax:* 1-202-493-2251.

*Mail:* Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590-0001.

*Hand Delivery or Courier:* U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Miranda Sim, 202-366-0756 or Beatriz Hernandez, 202-366-3126, Office of Budget and Finance, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, between 7:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:** We published a **Federal Register** Notice with a 60-day public comment period on this information collection on December 26, 2023 (88 FR 89006).

*Title:* Funds Transfers to Other Agencies and Among Title 23 Programs.  
*OMB Control:* 2125-0620.

*Background:* The Infrastructure Investment and Jobs Act (IIJA), Public Law 117-58, continues the ability of States to transfer highway funds to other States and agencies and among programs/projects. These authorities are codified in sections 104 and 126 of title 23, United States Code, as amended by the IIJA. Transferability under the IIJA is generally similar to that allowed under previous authorization acts such as the Fixing America's Surface Transportation (FAST) Act, Moving Ahead for Progress in the 21st Century Act (MAP-21), and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). This notice establishes requirements for initiating the transfer of apportioned funds (funds distributed among States and programs by statutory formula) to carry out these provisions of law. The types of transfers affected by this notice are:

a. Transfer of funds from a State to the FHWA pursuant to U.S.C. Title 23, § 104(f)(3).

b. Transfer of funds from a State to a Federal Agency other than FHWA.

c. Transfer of funds from a State to another State.

d. Transfer of funds from FHWA to Federal Transit Administration pursuant to 23 U.S.C. 104(f)(1).

e. Transfer of funds between programs pursuant to 23 U.S.C. 126; and,

f. Transfer of funds between projects. The State initiating the fund transfer must fill out a FHWA Funds Transfer Request form. This form is either filled out manually via the currently approved paper-based transfer form (FHWA-1575C) or electronically via the FHWA Funds Control Module in the Fiscal Management Information System (FMIS). The information required in the FMIS Funds Control Module is equivalent to the information required in the paper-based transfer form and over ninety percent of the transfers are now required to be submitted electronically. These transfers are routed electronically after State DOT approval, from the State DOT to the FHWA Division Office; after Division Office concurrence, from the Division Office to the FHWA Budget Office; and finally, the FHWA Budget Office processes the request. Automating in the FMIS Funds Control Module allowed the transfer request process to be streamlined by incorporating system validations to limit errors and by automating the flow of the approval process. Information required to fill out a transfer form includes the requester's contact information; a description of the program/project the transfer will come from and go to, the fiscal year, the program code, a demo ID, or an urban area when applicable, and the amount to be transferred.

*Respondents:* 50 State Transportation Departments, the District of Columbia, and Puerto Rico.

*Estimated Average Burden per Response:* 15 minutes.

*Estimated Total Annual Burden Hours:* It is estimated that a total of 2,000 responses will be received annually, which would equal a total annual burden of 500 hours.

*Public Comments Invited:* You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or

include your comments in the request for OMB's clearance of this information collection.

**Authority:** The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; and 49 CFR 1.48.

Issued on: February 22, 2024.

**Jazmyne Lewis,**

*Information Collection Officer.*

[FR Doc. 2024-03948 Filed 2-26-24; 8:45 am]

**BILLING CODE 4910-22-P**

## DEPARTMENT OF TRANSPORTATION

### Transportation Statistics Bureau

[Docket No. DOT-OST-2017-0010]

### Request for Clearance for an Information Collection: Annual Tank Car Survey

**AGENCY:** Bureau of Transportation Statistics (BTS), Office of the Assistant Secretary for Research and Technology (OST-R), DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** This notice announces the Bureau of Transportation Statistics (BTS) intention to request that the Office of Management and Budget (OMB) approves a 3-year extension of a currently approved information collection for the "Annual Tank Car Survey."

**DATES:** Interested persons are invited to submit comments on or before March 28, 2024.

**ADDRESSES:** You may submit comments identified by Docket No. DOT-OST-2017-0010 through the *Federal eRulemaking Portal*: <http://www.regulations.gov>. Follow the online instructions for submitting comments. You may also submit comments identified by DOT Docket ID Number DOT-OST-2017-0010 to the U.S. Department of Transportation (DOT), Dockets Management System (DMS). You may submit your comments by mail or in person to the Docket Clerk, Docket Management System, U.S. Department of Transportation, 1200 New Jersey Ave. SE, West Building Room W12-140, Washington, DC 20590. Comments should identify the docket number as indicated above. Paper comments should be submitted in duplicate. The DMS is open for examination and copying, at the above address, from 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays. If you wish to receive confirmation of receipt of your written comments, please include a self-addressed, stamped postcard with the following statement: "Comments on

Docket DOT-OST-2017-0010.” The Docket Clerk will date stamp the postcard prior to returning it to you via the U.S. mail. Please note that due to delays in the delivery of U.S. mail to Federal offices in Washington, DC, we recommend that persons consider an alternative method (the internet, fax, or professional delivery service) to submit comments to the docket and ensure their timely receipt at U.S. DOT. You may fax your comments to the DMS at (202) 493-2251. Comments can also be viewed and/or submitted via the Federal Rulemaking Portal: <http://www.regulations.gov>.

Please note that anyone is able to electronically search all comments received into our docket management system 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 (65 FR 19475-19570) or you may review the Privacy Act Statement at <http://www.gpoaccess.gov/fr/>.

**FOR FURTHER INFORMATION CONTACT:** Carl Cloyed, Bureau of Transportation Statistics, Office of the Assistant Secretary for Research and Technology, Department of Transportation, 1200 New Jersey Avenue SE, Room E34-455, Washington, DC 20590, telephone (202) 981-4498.

**SUPPLEMENTARY INFORMATION:**

*Title:* Annual Tank Car Survey

*Background:* On December 4, 2015, President Barack Obama signed legislation entitled “Fixing America’s Surface Transportation Act of 2015,” or the “FAST Act.” See Public Law 114-94. The FAST Act includes the “Hazardous Materials Transportation Safety Improvement Act of 2015” (see sections 7001 through 7311) and instructs the Secretary of Transportation to make specific regulatory amendments to the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180), including requirements for rail tank car manufacturers to report their progress toward modifying rail tank cars used for the transportation of Class 3 flammable liquids in accordance with the timeline established in section 7304 of the FAST Act.

This notice is applicable to section 7308(c) of the FAST Act which directs the Secretary to conduct an annual survey of tank car shops to acquire projections of the number of tank cars to be built or manufactured to the new safer specifications. This includes new tank cars built to the DOT Specification 117, or equivalent, as well as tank cars

modified to the DOT Specification 117R. Tank cars will include, but may not be limited to, those originally built to Specifications: DOT105, DOT109, DOT111, DOT112, DOT114, DOT115, and DOT120.

*Respondents:* There are approximately 400 tank car facilities that are currently registered or certified to build or modify tank cars. However, the majority of these do not have the capacity to modify or build to the 117 or 117R Specifications. At most, an estimated 140 tank car shops have the capacity to build or modify to these new safety standards.

*Estimated Average Burden per Response:* An estimated 140 facilities will provide a response to this request for information on an annual basis. It will take approximately 30 minutes to complete, including record keeping and reporting. This notice is intended to accurately account for the annual burden.

*Estimated Total Annual Burden:* The estimated burden is equal to 70 annual burden hours (i.e., 140 responses per year  $\times$  0.5 hour per response). The total burden cost is estimated at \$4,765 (i.e., 70 burden hours  $\times$  \$68.07, which is the per hour wage of \$52.36 for a manager in Transportation, Storage, and Distribution plus 30% to account for benefits).

*Frequency:* The survey frequency is prescribed by Section 7308(d) of the FAST Act. Specifically, the Secretary is required to conduct the survey annually until May 1, 2029 under Section 7308(c).

*Response to comments:* BTS published a 60-day notice for public comment for this information collection to the **Federal Register** on December 14, 2023 (88 FR 86728). The notice can be found at: <https://www.federalregister.gov/documents/2023/12/14/2023-27497/request-for-clearance-for-an-information-collection-annual-tank-car-survey>. One comment was received from the National Propane Gas Association expressing the agency’s support for such a program. No changes are planned in response to this comment.

*Public Comments Invited:* Interested parties are invited to send comments regarding any aspect of this information collection, including, but not limited to: (1) the necessity and utility of the information collection for the proper performance of the functions of the DOT; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, clarity and content of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. Comments submitted in

response to this notice will be summarized and/or included in the request for OMB’s clearance of this information collection.

Issued in Washington, DC, on the 22nd of February 2024.

**Cha-Chi Fan,**

*Director, Office of Data Development and Standards, Bureau of Transportation Statistics, Office of the Assistant Secretary for Research and Technology.*

[FR Doc. 2024-03954 Filed 2-26-24; 8:45 am]

**BILLING CODE 4910-9X-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Open Meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee

**AGENCY:** Internal Revenue Service (IRS) Treasury.

**ACTION:** Notice of meeting.

**SUMMARY:** An open meeting of the Taxpayer Advocacy Panel’s Taxpayer Communications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. This meeting will be held via teleconference.

**DATES:** The meeting will be held Wednesday, March 13, 2024.

**FOR FURTHER INFORMATION CONTACT:** Jose Cintron-Santiago at 1-888-912-1227 or 787-522-8607.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. (1988) that a meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee will be held Wednesday, March 13, 2024, at 2 p.m. eastern time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Jose Cintron-Santiago. For more information, please contact Jose Cintron-Santiago at 1-888-912-1227 or 787-522-8607, or write TAP Office, 48 Carr 165 Suite 2000, Guaynabo, PR 00968-8000 or contact us at the website: <http://www.improveirs.org>. The agenda includes a committee discussion involving new and old issues and starting the new TAP year.

Dated: February 21, 2024.

**Shawn Collins,**

*Acting Director, Taxpayer Advocacy Panel.*

[FR Doc. 2024-04001 Filed 2-26-24; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Open Meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee

**AGENCY:** Internal Revenue Service (IRS) Treasury.

**ACTION:** Notice of meeting.

**SUMMARY:** An open meeting of the Taxpayer Advocacy Panel's Taxpayer Assistance Center Improvements Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. This meeting will be held via teleconference.

**DATES:** The meeting will be held Thursday, March 14, 2024.

**FOR FURTHER INFORMATION CONTACT:** Matthew O'Sullivan at 1-888-912-1227 or (510) 907-5274.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. (1988) that an open meeting of the Taxpayer Advocacy Panel's Taxpayer Assistance Center Improvements (TAC) Project Committee will be held Thursday, March 14, 2024, at 11 a.m. eastern time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Matthew O'Sullivan. For more information please contact Matthew O'Sullivan at 1-888-912-1227 or (510) 907-5274, or write TAP Office, 1301 Clay Street, Oakland, CA 94612-5217 or contact us at the website: <http://www.improveirs.org>. The agenda includes new and old issues to start out the new TAP year.

Dated: February 21, 2024.

**Shawn Collins,**

*Acting Director, Taxpayer Advocacy Panel.*

[FR Doc. 2024-04000 Filed 2-26-24; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Open Meeting of the Taxpayer Advocacy Panel's Special Projects Committee

**AGENCY:** Internal Revenue Service (IRS) Treasury.

**ACTION:** Notice of meeting.

**SUMMARY:** An open meeting of the Taxpayer Advocacy Panel's Special Projects Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. This meeting will be held via teleconference.

**DATES:** The meeting will be held Wednesday, March 13, 2024.

**FOR FURTHER INFORMATION CONTACT:** Antoinette Ross at 1-888-912-1227 or 202-317-4110.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. (1988) that an open meeting of the Taxpayer Advocacy Panel's Special Projects Committee will be held Wednesday, March 13, 2024, at 11 a.m. eastern time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Antoinette Ross. For more information please contact Antoinette Ross at 1-888-912-1227 or 202-317-4110, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: <http://www.improveirs.org>. The agenda includes a committee discussion involving new and old issues and starting a new TAP year.

Dated: February 21, 2024.

**Shawn Collins,**

*Acting Director, Taxpayer Advocacy Panel.*

[FR Doc. 2024-03999 Filed 2-26-24; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Superfund Tax on Chemical Substances; Request To Modify List of Taxable Substances; Notice of Filing for Iso-butanol

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of filing and request for comments.

**SUMMARY:** This notice of filing announces that a petition has been filed requesting that iso-butanol be added to the list of taxable substances. This notice of filing also requests comments on the petition. This notice of filing is not a determination that the list of taxable substances is modified.

**DATES:** Written comments and requests for a public hearing must be received on or before April 29, 2024.

**ADDRESSES:** Commenters are encouraged to submit public comments or requests for a public hearing relating to this petition electronically via the Federal eRulemaking Portal at <http://www.regulations.gov> (indicate public docket number IRS-2024-0007 or iso-butanol) by following the online instructions for submitting comments. Comments cannot be edited or withdrawn once submitted to the Federal eRulemaking Portal. Alternatively, comments and requests for a public hearing may be mailed to: Internal Revenue Service, Attn: CC:PA:01:PR (Notice of Filing for Iso-butanol), Room 5203, P.O. Box 7604, Ben Franklin Station, Washington DC 20044. All comments received are part of the public record and subject to public disclosure. All comments received will be posted without change to [www.regulations.gov](http://www.regulations.gov), including any personal information provided. You should submit only information that you wish to make publicly available. If a public hearing is scheduled, notice of the time and place for the hearing will be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Camille Edwards Bennehoff at (202) 317-6855 (not a toll-free number).

#### Request To Add Substance to the List

(a) *Overview.* A petition was filed pursuant to Rev. Proc. 2022-26 (2022-29 I.R.B. 90), as modified by Rev. Proc. 2023-20 (2023-15 I.R.B. 636), requesting that iso-butanol be added to the list of taxable substances under section 4672(a) of the Internal Revenue Code (List). The petition requesting the addition of iso-butanol to the List is based on weight and contains the information detailed in paragraph (b) of this document. The information is provided for public notice and comment pursuant to section 9 of Rev. Proc. 2022-26. The publication of petition information in this notice of filing is not a determination and does not constitute Treasury Department or IRS confirmation of the accuracy of the information published.

(b) *Petition Content.*(1) *Substance name:* Iso-butanol.

The substance is also known as isobutanol, iso butyl alcohol, 2-methyl propan-1-ol, or 2-methyl-1-propanol.

(2) *Petitioner:* OQ Chemicals

Corporation, an exporter of iso-butanol.

(3) *Proposed classification numbers:*

(i) *HTSUS number:* 2905.14.50.10.

(ii) *Schedule B number:* 2905.14.5010.

(iii) *CAS number:* 78–83–1.

(4) *Petition filing dates:*

(i) *Petition filing date for purposes of making a determination:* January 25, 2024.

(ii) *Petition filing date for purposes of section 11.02 of Rev. Proc. 2022–26, as modified by section 3 of Rev. Proc. 2023–20:* April 1, 2023.

(5) *Description from petition:*

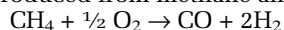
According to the petition, iso-butanol is an isomer of n-butanol. Iso-butanol is a four carbon branched aliphatic alcohol. It is used as a solvent or in the manufacture of esters, such as isobutyl acetate, isobutyl acrylate, and isobutyl methacrylate.

Iso-butanol is made from methane and propylene. Taxable chemicals constitute 78.41 percent by weight of the materials used to produce this substance.

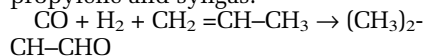
(6) *Process identified in petition as predominant method of production of substance:* Iso-butanol is co-produced by hydroformylation of propylene to produce both iso-butyraldehyde and n-butyraldehyde followed by hydrogenation of the aldehyde intermediates to the corresponding iso-butanol and n-butanol.

An explanation of the predominant method of production:

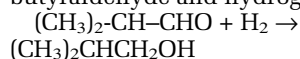
a. Partial oxidation of methane with oxygen to produce synthesis gas, a mixture of carbon monoxide and hydrogen. OQ uses a Partial Oxidation (POX) process that is non catalytic but operates at >1300 deg C and >40 atm pressure. Thus, synthesis gas is produced from methane and oxygen:



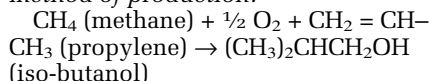
b. Oxo process: Hydroformylation of propylene with carbon monoxide and hydrogen over a catalyst to produce iso-butyraldehyde. (Reaction also produces normal butyraldehyde simultaneously not shown for simplification; stoichiometry is the same for either the iso or the normal aldehyde.) Thus, iso-butyraldehyde is produced from propylene and syngas.



c. Iso-butyraldehyde is hydrogenated with hydrogen over a catalyst. Thus, iso-butanol is produced from iso-butyraldehyde and hydrogen.



(7) *Stoichiometric material consumption equation, based on process identified as predominant method of production:*



(8) *Tax rate calculated by Petitioner, based on Petitioner's conversion factors for taxable chemicals used in production of substance:*

(i) *Tax rate:* \$7.07 per ton.

(ii) *Conversion factors:* 0.22 for methane, 0.57 for propylene.

(9) *Public docket number:* IRS–2024–0007.

Michael Beker,

Senior Counsel (Passthroughs and Special Industries), IRS Office of Chief Counsel.

[FR Doc. 2024–03897 Filed 2–26–24; 8:45 am]

BILLING CODE 4830–01–P

## DEPARTMENT OF THE TREASURY

## Internal Revenue Service

## Open Meeting of the Taxpayer Advocacy Panel's Notices and Correspondence Project Committee

**AGENCY:** Internal Revenue Service (IRS) Treasury.

**ACTION:** Notice of meeting.

**SUMMARY:** An open meeting of the Taxpayer Advocacy Panel's Notices and Correspondence Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. This meeting will be held via teleconference.

**DATES:** The meeting will be held Tuesday, March 12, 2024.

**FOR FURTHER INFORMATION CONTACT:** Robert Rosalia at 1–888–912–1227 or (718) 834–2203.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. (1988) that an open meeting of the Taxpayer Advocacy Panel's Notices and Correspondence Project Committee will be held Tuesday, March 12, 2024, at 11 a.m. eastern time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Robert Rosalia. For more information, please contact Robert Rosalia at 1–888–912–1227 or (718) 834–2203, or write TAP Office, 2 Metrotech Center, 100 Myrtle Avenue, Brooklyn, NY 11201 or contact

us at the website: <http://www.improveirs.org>. The agenda will include a committee discussion about new and old issues and starting out the new TAP year.

Dated: February 21, 2024.

Shawn Collins,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2024–03997 Filed 2–26–24; 8:45 am]

BILLING CODE 4830–01–P

## DEPARTMENT OF THE TREASURY

## Internal Revenue Service

## Open Meeting of the Taxpayer Advocacy Panel's Toll-Free Phone Lines Project Committee

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of meeting.

**SUMMARY:** An open meeting of the Taxpayer Advocacy Panel's Toll-Free Phone Lines Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. This meeting will be held via teleconference.

**DATES:** The meeting will be held Tuesday, March 12, 2024.

**FOR FURTHER INFORMATION CONTACT:** Rosalind Matherne at 1–888–912–1227 or 202–317–4115.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. (1988) that an open meeting of the Taxpayer Advocacy Panel Toll-Free Phone Lines Project Committee will be held Tuesday, March 12, 2024, at 2 p.m. eastern time. The public is invited to make oral comments or submit written statements for consideration. Due to limited time and structure of meeting, notification of intent to participate must be made with Rosalind Matherne. For more information, please contact Rosalind Matherne at 1–888–912–1227 or 202–317–4115, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: <http://www.improveirs.org>. The agenda includes a committee discussion new and old issues and starting the new TAP year.

Dated: February 21, 2024.

Shawn Collins,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2024–04002 Filed 2–26–24; 8:45 am]

BILLING CODE 4830–01–P



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## Federal Register

Vol. 89, No. 39

Tuesday, February 27, 2024

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#### Presidential Documents

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### FEDERAL REGISTER PAGES AND DATE, FEBRUARY

6401-7266.....	1
7267-7598.....	2
7599-8064.....	5
8065-8328.....	6
8329-8524.....	7
8525-8988.....	8
8989-9738.....	9
9739-10004.....	12
10005-11162.....	13
11163-11700.....	14
11701-12230.....	15
12231-12742.....	16
12743-12948.....	20
12949-13260.....	21
13261-13586.....	22
13587-13970.....	23
13971-14368.....	26
14369-14560.....	27

### CFR PARTS AFFECTED DURING FEBRUARY

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

#### 3 CFR

##### Proclamations:

10698.....	7599
10699.....	7601
10700.....	7603
10701.....	9739

##### Executive Orders:

14115.....	7605
14116.....	13971

##### Administrative Orders:

Memorandums:1	
Memorandum of	
February 8, 2024 .....	14367
Memorandum of	
February 14, 2024 .....	12743
Memorandum of	
February 16, 2024 .....	1326
Notices:	
Notice of February 7,	
2024 .....	8989
Notice of February 7,	
2024 .....	8991
Notice of February 21,	
2024 .....	13967
Notice of February 21,	
2024 .....	13969

#### 5 CFR

532.....	8065
1201.....	11163
2417.....	11701
2429.....	11701
2471.....	11701
Ch. XIV.....	11701
7001.....	7267
Proposed Rules:	
300.....	8352
890.....	6436
1201.....	8083
2471.....	12287
2472.....	12287

#### 6 CFR

5.....	14369
--------	-------

#### 7 CFR

993.....	13587
1005.....	6401
1006.....	6401
1007.....	6401
1145.....	12949
1430.....	14372

##### Proposed Rules:

210.....	13150
215.....	13150
220.....	13150
225.....	13150
226.....	13150
905.....	6440
1216.....	12758
1217.....	12987

#### 8 CFR

214.....	7456
----------	------

#### 9 CFR

390.....	12745
----------	-------

#### 10 CFR

50.....	8065, 8329
52.....	8065, 8329
430.....	11434

##### Proposed Rules:

2.....	12759
15.....	12759
37.....	12759
73.....	12759
110.....	12759
140.....	12759
170.....	12759
171.....	12759
430.....	11548
433.....	13999
435.....	13999

#### 11 CFR

##### Proposed Rules:

102.....	11227
104.....	11227
106.....	11227
109.....	11227
110.....	11227
9008.....	11227
9012.....	11227

#### 12 CFR

25.....	6574
228.....	6574
345.....	6574
614.....	13975
620.....	13975
Ch. X.....	13263

##### Proposed Rules:

Ch. I.....	8084
4.....	13289
5.....	10010
Ch. II.....	8084
Ch. III.....	8084
1005.....	13852
1026.....	13852

#### 13 CFR

115.....	11703
121.....	11703

#### 14 CFR

21.....	12634, 13589
25.....	10005
38.....	12634
39.....	6411, 6413, 6416, 6420,
	6422, 6425, 8066, 9741,
	11164, 11713, 11715, 11718,
	11720, 11722, 12951, 13265,
	14377



71 .....6428, 6429, 8070, 8993, 12953, 12954, 14379, 14382, 14383, 14384	<b>18 CFR</b>	1602.....11167	<b>39 CFR</b>
97.....11726, 11727	1b.....13975	1603.....11167	501.....13980
121.....12634	<b>19 CFR</b>	1610.....11167	3040.....11730
125.....12634	356.....11729	1611.....11167	<b>Proposed Rules:</b>
<b>Proposed Rules:</b>	<b>20 CFR</b>	1614.....11167, 13617	3000.....8377
1.....8559	677.....13814	1626.....11167, 12232	3010.....8377
3.....8560	684.....13595	<b>Proposed Rules:</b>	3040.....8377
21.....8559, 8560	686.....13595	1910.....7774	3041.....8377
22.....8559	688.....13595	<b>30 CFR</b>	3050.....12289
25.....6443	802.....8533	870.....8071	<b>40 CFR</b>
36.....8559	<b>Proposed Rules:</b>	<b>31 CFR</b>	16.....8075
39.....6450, 6452, 7297, 7299, 7302, 7305, 7636, 8109, 8361, 9074, 9077, 9795, 9798, 11228, 11231, 12785, 12788, 12792, 12993, 13620, 14417, 14420	404.....11773	208.....12955	52.....7289, 7622, 8076, 8078, 8996, 8999, 9771, 12244, 14412
43.....8559, 8560	416.....11773	510.....12233	60.....11198
45.....8559	422.....11773	525.....13269	70.....9771
60.....8560	656.....11788	587.....13269, 13270	141.....7624
61.....8559, 8560	<b>21 CFR</b>	591.....13271	180.....7291, 7625, 9773
63.....8560	4.....7496	594.....13271	271.....8540
65.....8559, 8560	14.....13268	<b>Proposed Rules:</b>	272.....8540
67.....8560	73.....8537	Ch. X.....12424	300.....12246
71.....14000, 14002, 14004, 14005, 14423, 14424, 14426	510.....14407	1010.....12108	700.....12961
89.....8560	520.....14407	1032.....12108	723.....12248
91.....8559	522.....14407	<b>32 CFR</b>	<b>Proposed Rules:</b>
107.....8560	524.....14407	161.....11172	2.....12795
111.....8560	529.....14407	<b>Proposed Rules:</b>	52.....6475, 7318, 7320, 7655, 8131, 9813, 12291, 12666, 13022, 13302, 13304, 13622
119.....8559	556.....14407	170.....13013	62.....12796
120.....8560	558.....14407	1662.....8112	63.....9088
121.....8560	601.....9743	1665.....7653	70.....12291, 14015
139.....8560	820.....7496	<b>33 CFR</b>	71.....14015
142.....8560	1150.....13979	100.....12236, 13618	81.....9815
145.....8560	1301.....8538	117...7287, 7620, 8074, 13910, 13911	97.....12666
413.....8560	<b>Proposed Rules:</b>	165.....7288, 8332, 8994, 9769, 9798, 12241, 12747, 13274	99.....12795
<b>15 CFR</b>	117.....7315	<b>Proposed Rules:</b>	141.....8584
400.....8525	<b>23 CFR</b>	101.....13404	180.....9103
740.....13590	<b>Proposed Rules:</b>	117.....13013	260.....8598
744.....13590, 14385, 14403	490.....10018	160.....13404	261.....8598, 8606
774.....13590	924.....13000	165.....9800, 13015	270.....8598
<b>Proposed Rules:</b>	<b>24 CFR</b>	166.....10019	271.....8606, 8621
700.....8363	5.....7612	167.....10019	272.....8621
<b>16 CFR</b>	28.....13614	234.....12066	300.....12293
1.....8530	30.....13614	325.....9079	<b>41 CFR</b>
305.....7267	87.....13614	330.....9079	Ch. 301.....12250
463.....13267	180.....13614	<b>34 CFR</b>	300.....12250
801.....7609	202.....7274	5.....12243	301.....12250
803.....7609	Ch. IX.....7612	361.....13814	302.....12250
<b>Proposed Rules:</b>	1006.....9757	463.....13814	303.....12250
1.....8578	3282.....13614	<b>Proposed Rules:</b>	304.....12250
305.....7566	<b>25 CFR</b>	Ch. III.....13294	305.....12250
1264.....8582	293.....13232	Ch. VI.....6470, 7317	306.....12250
1408.....8583	<b>26 CFR</b>	655.....13516	307.....12250
1461.....9078	<b>Proposed Rules:</b>	656.....13516	308.....12250
<b>17 CFR</b>	1.....12795, 13293, 14008	657.....13516	309.....12250
210.....14158	301.....14008	<b>36 CFR</b>	310.....12250
229.....14158	<b>27 CFR</b>	<b>Proposed Rules:</b>	311.....12250
230.....14158	9.....7618	242.....14008	312.....12250
232.....14158	<b>28 CFR</b>	<b>37 CFR</b>	313.....12250
239.....14158	0.....7277	<b>Proposed Rules:</b>	314.....12250
240.....14158	27.....7277	42.....13017	315.....12250
249.....14158	85.....9764	201.....11789	316.....12250
<b>Proposed Rules:</b>	543.....8330	202.....11789	317.....12250
Ch. I.....8026	<b>Proposed Rules:</b>	<b>38 CFR</b>	318.....12250
1.....14007	94.....7639	3.....9803, 13622	319.....12250
23.....14007	541.....6455	38.....8126	320.....12250
39.....8111	<b>29 CFR</b>	39.....8126	321.....12250
146.....7307	1601.....11167, 12231, 12232, 13617	70.....11729	322.....12250
270.....12995			323.....12250

329.....12250	111.....12296	156.....8758	213.....11747, 11950
330.....12250	112.....12296	170.....8546, 9784	225.....11748, 11950
331.....12250	113.....12296	171.....8546	237.....11745
332.....12250	114.....12296	180.....9002	245.....11748
333.....12250	115.....12296	Ch. III.....9784	252.....11745, 11950
334.....12250	116.....12296	1149.....9036	519.....11748
335.....12250	117.....12296	1158.....9036	538.....10006, 13282
336.....12250	118.....12296	1321.....11566	552.....13282
337.....12250		1322.....11566	570.....11748
338.....12250	<b>42 CFR</b>	1323.....11566	<b>Proposed Rules:</b>
339.....12250	2.....12472	1324.....11566	212.....11800, 11803
340.....12250	8.....7528	1611.....7294	215.....11800
341.....12250	405.....9002, 9776	2500.....6432	225.....11800
342.....12250	410.....9002, 9776	<b>Proposed Rules:</b>	227.....11803
343.....12250	411.....9776	1336.....11798	252.....11800, 11803
344.....12250	414.....9776	1355.....13652	
345.....12250	415.....9776	2551.....11233	<b>49 CFR</b>
346.....12250	416.....9002	2552.....11233	372.....13984
347.....12250	418.....9776	2553.....11233	531.....12749
348.....12250	419.....9002		1548.....8550
349.....12250	422.....8758, 9776	<b>46 CFR</b>	<b>Proposed Rules:</b>
350.....12250	423.....9776	401.....9038	191.....12798
351.....12250	424.....9002, 9776	541.....14330	192.....12798
352.....12250	425.....9776		193.....12798
353.....12250	431.....8758	<b>47 CFR</b>	383.....7327
354.....12250	433.....13916	0.....7224	384.....7327, 12800
355.....12250	435.....8758	1.....11742, 11743	
356.....12250	438.....8758	5.....13276	
357.....12250	440.....8758	15.....8081	<b>50 CFR</b>
358.....12250	447.....13916	25.....13276	11.....7295
359.....12250	455.....9776, 13916	27.....7224	13.....9920
360.....12250	457.....8758, 13916	54.....7627	17.....11750
361.....12250	485.....9002	64.....8549, 9968	22.....9920
362.....12250	488.....9002	73.....7224, 12192	217.....8557, 11342
363.....12250	489.....9002, 9776	74.....7224	223.....11208
364.....12250	491.....9776	97.....13276	224.....12980
365.....12250	493.....6431	<b>Proposed Rules:</b>	229.....8333, 12257
366.....12250	495.....9776	0.....6477	600.....12282
367.....12250	498.....9776	1.....6477, 8621, 9105	622.....14415
368.....12250	600.....9776	2.....6488, 8621	635.....10007
369.....12250	<b>Proposed Rules:</b>	15.....14015	648.....7633, 8557, 9072, 9793
370.....12250	488.....11996	16.....6477	660.....14416
371.....12250	489.....11996	30.....8621	679.....8081, 8349, 10008,
372.....12250		54.....11239	12756, 13287
373.....12250	<b>43 CFR</b>	73.....8622	<b>Proposed Rules:</b>
374.....12250	10.....11740	76.....8385	17.....8137, 8391, 8629
375.....12250	3160.....13982	<b>48 CFR</b>	20.....8631
376.....12250	9230.....13982	Ch. 1.....13618, 13950	29.....7345
<b>Proposed Rules:</b>	<b>Proposed Rules:</b>	2.....13950	100.....14008
102.....12296	11.....10019	6.....13950	300.....9105
103.....12296		9.....13950	622.....8639
104.....12296	<b>44 CFR</b>	18.....13950	635.....13667
105.....12296	<b>Proposed Rules:</b>	19.....13950	648.....9819, 13674
106.....12296	61.....8282	22.....13961	660.....12810
107.....12296		25.....13961	665.....7658, 9111, 14036
108.....12296	<b>45 CFR</b>	52.....13950, 13961	679.....7660
109.....12296	101.....9020	212.....11745	680.....14427
110.....12296			

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