

Executive Order 12866, as amended by Executive Order 14094.

### Regulatory Flexibility Act

The Director of OPM certifies that this rulemaking will not have a significant economic impact on a substantial number of small entities.

### Federalism

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

### Civil Justice Reform

This rulemaking meets the applicable standard set forth in Executive Order 12988.

### Unfunded Mandates Act of 1995

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

### Paperwork Reduction Act

This rulemaking does not impose any reporting or record-keeping requirements subject to the Paperwork Reduction Act.

### List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Freedom of information, Government employees, Reporting and recordkeeping requirements, Wages.

Office of Personnel Management.

**Kayyonne Marston,**

*Federal Register Liaison.*

Accordingly, OPM is proposing to amend 5 CFR part 532 as follows:

### PART 532—PREVAILING RATE SYSTEMS

■ 1. The authority citation for part 532 continues to read as follows:

**Authority:** 5 U.S.C. 5343, 5346; § 532.707 also issued under 5 U.S.C. 552.

■ 2. In appendix D to subpart B, amend the table by revising the wage area listing for the District of Columbia and the State of Maryland to read as follows:

### Appendix D to Subpart B of Part 532—Nonappropriated Fund Wage and Survey Areas

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Definitions of Wage Areas and Wage Area Survey Areas

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### DISTRICT OF COLUMBIA

#### Washington, DC

*Survey Area*

District of Columbia:

Washington, DC

*Area of Application. Survey area plus:*

West Virginia:

Berkeley

\* \* \* \* \*

### MARYLAND

#### Anne Arundel

*Survey Area*

Maryland:

Anne Arundel

*Area of Application. Survey area plus:*

Maryland (city):

Baltimore

Maryland (counties):

Baltimore

Frederick

#### Charles-St. Mary's

*Survey Area*

Maryland:

Charles

St. Mary's

*Area of Application. Survey area plus:*

Maryland:

Calvert

Virginia:

King George

#### Harford

*Survey Area*

Maryland:

Harford

*Area of Application. Survey area plus:*

Maryland:

Cecil

#### Montgomery-Prince George's

*Survey Area*

Maryland:

Montgomery

Prince George's

*Area of Application. Survey area.*

\* \* \* \* \*

[FR Doc. 2024-07530 Filed 4-9-24; 8:45 am]

**BILLING CODE 6325-39-P**

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 66

[Doc. No. AMS-FTPP-23-0019]

### National Bioengineered Food Disclosure Standard; Request for Information on Electronic and Digital Link Disclosures

**AGENCY:** Agricultural Marketing Service (AMS); Department of Agriculture (USDA).

**ACTION:** Notice; request for information.

**SUMMARY:** The Agricultural Marketing Service of the USDA is soliciting information about potential amendments to the electronic or digital link disclosure option as it pertains to the National Bioengineered Food Disclosure Standard (Standard).

**DATES:** Comments must be received by June 10, 2024 to be assured of consideration.

**ADDRESSES:** Interested parties are invited to submit written comments via the internet at <https://www.regulations.gov>. Enter "AMS-FTPP-23-0019" in the Search field. Select the Documents tab, then select the 'Comment' button in the list of documents. Comments may also be filed by mail or by fax with the Docket Clerk, 1400 Independence Ave. SW, Room 2069—South, Washington, DC 20250; Fax: (202) 260-8369. All comments submitted in response to this notice, including the identity of individuals or entities submitting comments, will be made available to the public on the internet via <https://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Kenneth Becker, Research and Rulemaking Branch Chief, Food Disclosure and Labeling Division, Fair Trade Practices Program, Agricultural Marketing Service, U.S. Department of Agriculture, Telephone (202) 570-3661, Email [kenneth.becker@usda.gov](mailto:kenneth.becker@usda.gov).

#### SUPPLEMENTARY INFORMATION:

#### I. Background

On July 29, 2016, Public Law 114-216 amended the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 *et seq.*) (amended Act) to require USDA to establish a national, mandatory standard for disclosing any food that is or may be bioengineered (BE). In accordance with the amended Act, USDA published final regulations to implement the Standard on December 21, 2018 (83 FR 65814). The regulations became effective on February 19, 2019, with a mandatory

compliance date of January 1, 2022. Under 7 CFR 66.1, a bioengineered food is a food that—subject to certain factors, conditions, and limitations—contains detectable genetic material that has been modified through *in vitro* recombinant deoxyribonucleic acid (rDNA) techniques and for which the modification could not otherwise be obtained through conventional breeding or found in nature.

The amended Act requires USDA to implement the following three BE food disclosure options: on-package text; on-package symbol; and an electronic or digital link, with the disclosure option to be selected by the food manufacturer. 7 U.S.C. 1639b(b)(2)(D). The amended Act directs USDA to require food manufacturers selecting the electronic or digital link disclosure option to include a telephone number that provides access to the disclosure. 7 U.S.C. 1639b(d)(4). Additionally, the amended Act requires USDA to conduct a study to identify potential technological challenges that may impact whether consumers would have access to the BE food disclosure through electronic or digital disclosure methods prior to promulgating regulations establishing the Standard. 7 U.S.C. 1639b(c)(1). If after reviewing the study, the Secretary determines that consumers, while shopping, would not have sufficient access to the BE food disclosure through electronic or digital disclosure methods, the amended Act requires, after consultation with food retailers and manufacturers, additional and comparable options to access the BE food disclosure be provided. 7 U.S.C. 1639b(c)(4).

As required by the amended Act, AMS conducted a study in 2017. The study identified “potential technological challenges that may impact whether consumers would have access to the bioengineering disclosure through electronic or digital disclosure methods.” On September 6, 2017, the results of the study were made publicly available on the AMS website.<sup>1</sup> As described in the December 21, 2018, final rule establishing the standard, upon reviewing the results of the study, and in consideration of public comments on a proposed rule published on May 4, 2018 (83 FR 19860), the Secretary determined consumers would not, at that time, have sufficient access to the BE food disclosure through electronic or digital means under

ordinary shopping conditions. 83 FR 65828. In response to the Secretary’s determination, and following consultation with food retailers and manufacturers and in consideration of public comments, AMS added a text message disclosure option at 7 CFR 66.108 as an additional and comparable option to access the disclosure. Accordingly, the current regulations provide four different disclosure options for food retailers and manufacturers to disclose the presence of a BE food or BE food ingredient: on-package text; the BE symbol; an electronic or digital link accompanied by a telephone number; and a text message. The requirements for on-package text disclosures are described at 7 CFR 66.102, which mandates that the on-package language must state “Bioengineered food,” “Contains a bioengineered food ingredient,” or, if multiple BE food ingredients are present, “Contains bioengineered food ingredients.” The BE symbol requirements are described at 7 CFR 66.104. The symbol can be found at <https://www.ams.usda.gov/rules-regulations/be/symbols>. The requirements for electronic or digital link disclosure are explained at 7 CFR 66.106, which mandates that the electronic or digital link be accompanied by on-package statements that read, “Scan here for more food information” and “Call 1–000–000–0000 for more food information.” When accessed, the electronic or digital link product information page must include either the same language requirements of the on-package text disclosure in 7 CFR 66.102 or the symbol disclosure in 7 CFR 66.104. The requirements for the text message option are described at 7 CFR 66.108, which mandates an on-package statement that says “Text [command word] to [number] for bioengineered food information.” When the text message disclosure is used, the consumer must receive the BE food disclosure using the same language required for on-package text disclosures, as described at 7 CFR 66.102.

In September 2022, the Federal Court for the Northern District of California issued a decision addressing several claims raised in *Natural Grocers, et al. v. Vilsack, et al.* regarding the Standard. The Court found that AMS’s action of providing a text message disclosure option (7 CFR 66.108) as an additional and comparable option fell outside of the statutory authority of the amended Act and failed to address the problem of insufficient access to the BE disclosure through the electronic or digital link disclosure option. The Court concluded an additional and comparable

disclosure option must be included with the electronic or digital link disclosure (7 CFR 66.106). The Court accordingly ordered that AMS reconsider the requirements in §§ 66.106 and 108.

## II. Request for Information

AMS is reevaluating the electronic or digital link disclosure option at 7 CFR 66.106 and is soliciting public input on potential revisions to the electronic or digital link disclosure option as it pertains to the Standard. Commenting parties should submit responses to questions and requests (1) through (8) below and, if available, provide data and other evidence to support any suggested revision. AMS will not consider comments providing recommendations that are not relevant to the questions and requests below.

(1) What are the current challenges associated with consumers accessing information on the BE status of foods by electronic or digital link disclosure in a retail setting?

(2) If a regulated entity chooses to use an electronic or digital link to disclose a BE food, what additional and comparable option should AMS add to the electronic or digital link disclosure option that would be more helpful for consumers? In which location proximate to the electronic or digital link should an additional and comparable option be placed?

(3) Provide information on current smartphone ownership among consumers, if available. Context: AMS is interested in the availability of wireless internet or cellular networks. AMS has found that as of 2021, most Americans (97 percent) owned a cellphone of some kind and smartphone ownership was at 85 percent.<sup>2</sup> In particular, the Pew Research Center found that 89 percent of urban adults, 84 percent of suburban adults, and 80 percent of rural adults in America own a smartphone.<sup>3</sup> The Pew Research Center also found that 61 percent of individuals 65 and older own a smartphone.<sup>4</sup>

(4) Provide information on the availability of broadband in a retail setting, if available. This could include

<sup>2</sup> Pew Research Center. 2021. Mobile Fact Sheet. Retrieved December 14, 2022, from <https://www.pewresearch.org/internet/fact-sheet/mobile/>.

<sup>3</sup> Pew Research Center. 2021. Some digital divides persist between rural, urban, and suburban America. Retrieved December 15, 2022, from <https://www.pewresearch.org/fact-tank/2021/08/19/some-digital-divides-persist-between-rural-urban-and-suburban-america/>.

<sup>4</sup> Pew Research Center. 2022. Share of those 65 and older who are tech users has grown in the past decade. Retrieved January 17, 2023, from <https://www.pewresearch.org/fact-tank/2022/01/13/share-of-those-65-and-older-who-are-tech-users-has-grown-in-the-past-decade/>.

<sup>1</sup> The “Study of Electronic or Digital Link Disclosure: A Third-Party Evaluation of Challenges Impacting Access to Bioengineered Food Disclosure,” was made available to the public on September 6, 2017, at <https://www.ams.usda.gov/reports/study-electronic-or-digital-disclosure>.

broadband that is offered directly to consumers, or the accessibility to other private networks while in a retail setting.

(5) Provide current information on the consumer usage of BE or other electronic or digital link disclosures in a retail setting. Context: AMS is trying to determine if accessibility to information through electronic and digital disclosure in retail settings is common; responses can include use in restaurants or related retail sectors, in addition to grocery.

(6) Explain any advantages and benefits to using the electronic or digital link disclosure option.

(7) Provide any information available on the percentage of usage for each of the four current disclosure options. In addition, provide information on how many small businesses use each of the four disclosure options. Context: AMS evaluates the costs that rulemaking would impose on regulated entities according to each type of disclosure option and is seeking additional data regarding how many products in the marketplace use each of the four currently available options.

(8) How long does it take on average to update label art, print new labels, and deploy new labels to production lines? How frequently are labels reordered and label inventory updated? Is there any standard cycle for updating retail product labels? How frequently is product inventory updated at retail? What is the preferred optimum compliance period for incorporating new mandatory disclosure information into products for retail?

**Authority:** 7 U.S.C. 1621 *et seq.*

**Erin Morris,**

*Associate Administrator, Agricultural Marketing Service.*

[FR Doc. 2024-07592 Filed 4-9-24; 8:45 am]

**BILLING CODE P**

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2024-0999; Project Identifier MCAI-2023-01262-T]

RIN 2120-AA64

#### Airworthiness Directives; Dassault Aviation Airplanes

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

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

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for all Dassault Aviation Model FALCON 7X airplanes. This proposed AD was prompted by a determination that certain left-hand (LH) and right-hand (RH) pylon bleed air leak detectors (BALDs) might be defective, due to incorrect manufacturing processes and incomplete acceptance test procedures. This proposed AD would require a one-time operational check of affected parts and, depending on findings, accomplishment of applicable corrective action, and would limit the installation of affected parts under certain conditions, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference (IBR). The FAA is proposing this AD to address the unsafe condition on these products.

**DATES:** The FAA must receive comments on this proposed AD by May 28, 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-2024-0999; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

*Material Incorporated by Reference:*

- For material that is proposed for IBR in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email [ADs@easa.europa.eu](mailto:ADs@easa.europa.eu); website [easa.europa.eu](https://easa.europa.eu). You may find this material on the EASA website at [ad.easa.europa.eu](https://ad.easa.europa.eu). It is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2024-0999.

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

**FOR FURTHER INFORMATION CONTACT:** Tom Rodriguez, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 206-231-3226; email: [tom.rodriguez@faa.gov](mailto:tom.rodriguez@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-2024-0999; Project Identifier MCAI-2023-01262-T” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to [regulations.gov](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 Tom Rodriguez, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 206-231-3226; email: [tom.rodriguez@faa.gov](mailto:tom.rodriguez@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