

TABLE 1 TO PARAGRAPH (a)—ANNUAL RENEWABLE FUEL STANDARDS

Table with 7 columns: Year, Cellulosic biofuel standard (%), Biomass-based diesel standard (%), Advanced biofuel standard (%), Renewable fuel standard (%), Supplemental total renewable fuel standard (%). Row for 2024 shows values: 0.51, 2.82, 3.79, 12.50, n/a.

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■ 12. Amend § 80.1451 by:
■ a. Revising paragraph (f)(1)(i)(A) introductory text; and
■ b. Adding paragraphs (f)(1)(i)(B)(5) and (f)(1)(i)(C).
The revision and additions read as follows:

§ 80.1451 What are the reporting requirements under the RFS program?

(f) * * *
(1) * * *
(i) * * *
(A) Except as specified in paragraphs (f)(1)(i)(B) and (C) of this section, obligated parties must submit annual compliance reports by whichever of the following dates is latest:
(B) * * *
(5) For the 2024 compliance year, annual compliance reports must be submitted by the next quarterly reporting deadline under paragraph (f)(2) of this section after the date the revised 2024 cellulosic biofuel standard becomes effective in § 80.1405(a).
(C) If EPA publishes a document in the Federal Register that proposes to revise a renewable fuel standard in

§ 80.1405(a), annual compliance reports for that compliance year must be submitted by the following date, as applicable:

(1) If EPA publishes a document in the Federal Register that finalizes the proposed revision to the renewable fuel standard in § 80.1405(a), whichever of the following dates is latest:

(i) The next quarterly reporting deadline under paragraph (f)(2) of this section after the date the revised renewable fuel standard becomes effective in § 80.1405(a).

(ii) The applicable compliance reporting deadline under paragraph (f)(1)(i)(A) or (B) of this section.

(2) If EPA publishes a document in the Federal Register that withdraws the proposed revision to the renewable fuel standard in § 80.1405(a), whichever of the following dates is latest:

(i) The next quarterly reporting deadline under paragraph (f)(2) of this section that is 60 days after the date the withdrawal is published.

(ii) The applicable compliance reporting deadline under paragraph (f)(1)(i)(A) or (B) of this section.

(3) If EPA does not publish a document in the Federal Register that

either finalizes or withdraws the proposed revision to the renewable fuel standard in § 80.1405(a) within 12 months after the date the proposed rule was published, whichever of the following dates is latest:

(i) The next quarterly reporting deadline under paragraph (f)(2) of this section that is 12 months after the proposed rule was published.

(ii) The applicable compliance reporting deadline under paragraph (f)(1)(i)(A) or (B) of this section.

■ 13. Amend § 80.1456 by revising paragraph (d)(2) to read as follows:

§ 80.1456 What are the provisions for cellulosic biofuel waiver credits?

(d) * * *

(2) The wholesale price of gasoline is calculated by applying the weighting factors specified in table 1 to this paragraph (d)(2) to the Energy Information Administration average monthly gasoline spot price values specified in table 1 for the twelve-month period ending June of the year preceding the compliance period.

TABLE 1 TO PARAGRAPH (d)(2)—WHOLESALE PRICE OF GASOLINE WEIGHTING FACTORS

Table with 2 columns: Gasoline spot price data source, Weighting factor (%). Rows include Conventional Gasoline—New York Harbor, Regular (37.5), Conventional Gasoline—U.S. Gulf Coast, Regular (37.5), RBOB Regular Gasoline—Los Angeles (25.0).

* * * * *
■ 14. Amend § 80.1464 by revising paragraph (d)(1) to read as follows:

§ 80.1464 What are the attest engagement requirements under the RFS program?

(d) * * *
(1) Obligated parties. Obligated parties must submit annual attest engagement reports to EPA by the next June 1 annual attest engagement reporting deadline after the annual

compliance reporting deadline under § 80.1451(f)(1)(i).

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CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

45 CFR Parts 2550, 2551, 2552, 2553

RIN 3045–AA91

Restrictions on Operation of AmeriCorps Seniors Programs

AGENCY: Corporation for National and Community Service.

ACTION: Advance notice of proposed rulemaking; request for comments.

SUMMARY: The Corporation for National and Community Service (operating as AmeriCorps) is requesting comment on certain restrictions on the operation of AmeriCorps Seniors programs. These restrictions, which are contained in AmeriCorps' current regulations, include a prohibition on State Commissions operating AmeriCorps Seniors programs, a prohibition on AmeriCorps Seniors grantees delegating or contracting overall management responsibilities to another entity, a limitation on for-profit childcare organizations' facilities being used as volunteer sites, and the requirement for AmeriCorps Seniors grantees to carry certain types of insurance. This advance notice of proposed rulemaking (ANPRM) seeks public input on whether these prohibitions and requirements should be retained without change, modified, or removed.

DATES: Written comments must be submitted by February 10, 2025.

ADDRESSES: You may send your comments electronically through the Federal Government's one-stop rulemaking website at www.regulations.gov. You may also send your comments to Elizabeth Appel, Associate General Counsel, at eappel@americorps.gov or by mail to AmeriCorps (ATTN: Elizabeth Appel), 250 E Street SW, Washington, DC 20525.

FOR FURTHER INFORMATION CONTACT: Robin Corindo, Deputy Director, AmeriCorps Seniors, at rcorindo@americorps.gov, (202) 489-5578.

SUPPLEMENTARY INFORMATION:

AmeriCorps Seniors operates four programs: the Senior Companion Program (SCP), Foster Grandparent Program (FGP), Retired and Senior Volunteer Program (RSVP), and a Senior Demonstration Program. This ANPRM requests public comment on four specific prohibitions and restrictions applicable to these programs, as explained below.

1. Restriction on State Commissions Operating AmeriCorps Seniors Programs

State Commissions are prohibited by regulation from directly carrying out any national service program under title II of the Domestic Volunteer Service Act of 1973, as amended (DVSA), 42 U.S.C. 4950 *et seq.* See 45 CFR 2550.80(j). Those programs include the four programs operated by AmeriCorps Seniors. A separate regulatory provision prohibits any AmeriCorps Seniors grantee from delegating or contracting overall management responsibilities to another entity. See 42 CFR 2551.22

(SCP), 2552.22 (FGP), and 2553.22 (RSVP). Together, these two restrictions effectively create a categorical ban on State Commissions being AmeriCorps Seniors grantees—as they can neither directly operate nor delegate/contract the program.

There is no statutory prohibition on State Commissions operating AmeriCorps Seniors programs. There is a statutory prohibition on State Commissions directly carrying out programs receiving AmeriCorps State and National (ASN) grants. See 42 U.S.C. 12638(h). In 1993, a regulatory provision expanding on this statutory prohibition was issued to also prohibit Commissions from operating AmeriCorps Seniors or VISTA programs. See 58 FR 60978 (November 18, 1993) (providing no explanation for expansion of the prohibition). In 2005, AmeriCorps removed VISTA programs from the regulatory prohibition, but retained the prohibition for AmeriCorps Seniors programs. See 70 FR 39562 (July 8, 2005). The reasons stated for retaining the prohibition on State Commissions were that the Agency did not believe that, without the ability to delegate or subgrant program management, most State Commissions were in a position to operate AmeriCorps Seniors programs directly, and that local organizations were in the best position to identify local needs and operate AmeriCorps Seniors programs. *Id.* at 39594. The Agency also stated that it received no indication that State commissions were eager to operate AmeriCorps Seniors programs. *Id.*

Since that time, it has become evident that at least one of the justifications for the regulatory prohibitions no longer exists. There is some State Commission interest in operating AmeriCorps Seniors programs, as demonstrated by the fact that some State Commissions have applied to operate AmeriCorps Seniors programs and some are currently operating AmeriCorps Seniors programs under a waiver of the regulatory prohibition. However, given the statutory prohibition on State Commissions directly carrying out programs that receive ASN grants, the State Commissions generally do not operate programs themselves; rather, they facilitate the provision of grant funding to other more locally based organizations. See *generally*, 42 U.S.C. 12638(e) (Duties of a State Commission). AmeriCorps therefore requests public input on whether to retain, modify, or remove the regulatory prohibition on State commissions directly operating AmeriCorps Seniors programs and the reasoning for retaining, modifying, or removing the regulatory prohibition.

2. Restrictions on AmeriCorps Seniors Grantees Delegating or Contracting

The current regulations require AmeriCorps Seniors grantees to fulfill all project management requirements necessary to accomplish the purposes of the program and prohibit them from delegating or contracting (*i.e.*, subcontracting) the overall management responsibilities to another entity. See 45 CFR 2551.22, 2552.22, and 2553.22. The regulations also provide flexibility to AmeriCorps to determine what types of management responsibilities may or may not be contracted. *Id.* Removal of the general prohibition on delegating or subcontracting would enable small grantees to obtain assistance from outside experts on financial management. Grantees sometimes lack financial management experts in house and would benefit by subcontracting for recordkeeping, accounting, and other professional financial services. Possible benefits to this approach include freeing up time to allow in-house staff to focus on programmatic goals and reducing audit and monitoring findings that might arise from a lack of expertise in financial management systems and internal controls. Removing the prohibition on grantees delegating or contracting out management responsibilities could also increase State Commissions' ability to directly carry out AmeriCorps Seniors programs. AmeriCorps therefore seeks public comment on whether and why to retain, modify, or remove the prohibition on delegating or contracting management duties.

3. Limitation on For-Profit Childcare or Educational Centers Being Volunteer Sites for Foster Grandparents

Sponsors (grantees) in the Foster Grandparent Program are responsible for developing and managing one or more volunteer stations, including ensuring that each is a public or non-profit private organization or an eligible proprietary health care agency. See 45 CFR 2552.23(c)(1) and 2552.12 (definition of "volunteer station"). The regulations allow for proprietary health care organizations to serve as volunteer stations. Proprietary health care organizations have been included as a volunteer station type since before 1983, and in 2018, the Agency added a definition of "proprietary health care organization" as a "private, for-profit health care organization that serves one or more vulnerable populations." See 83 FR 64636 (December 17, 2018). AmeriCorps Seniors is considering adding a similar allowance for proprietary childcare organizations,

which would be defined as private, for-profit childcare or child-education organizations that serve one or more vulnerable populations with a high percentage of those populations represented in the children and families serviced. Sometimes there are no nonprofit childcare organizations in or near communities where there are children in need of Foster Grandparent services, but there are for-profit childcare organizations in the communities. Allowing childcare organizations to serve as volunteer stations, when there are not enough non-profit organizations, would help AmeriCorps Seniors volunteers, and particularly Foster Grandparent volunteers, provide services to more children and provide ways for those communities to receive the services they need. AmeriCorps therefore seeks public comment on whether to add for-profit child-care organizations to the list of organization types eligible to be a volunteer station, whether for-profit child-care organizations should be eligible to be a volunteer station only when there are no non-profit child-care organizations in or near the communities, and whether there is any basis for continuing to exclude them.

4. Requirements for Insurance

Current regulations require grantees (sponsors) to provide appropriate coverage for AmeriCorps Seniors volunteers, including accident insurance, personal liability insurance, and excess automobile liability insurance. See 45 CFR 2551.25, 2552.25, and 2553.25. The regulations explain each of these types of insurance and allow for reimbursement of costs associated with the insurance if grantees maintain the insurance at minimum levels set by AmeriCorps. See 45 CFR 2551.46(b), 2552.46(b), and 2553.46(b). These insurance requirements are intended to help protect both volunteers and grantees in the event of accidents or injuries that might occur during an AmeriCorps Seniors volunteer's service. However, insurance is not required by statute and some grantees find it challenging to secure it. AmeriCorps therefore seeks public comment on whether to remove the requirement for grantees to obtain insurance but retain insurance premiums as allowable costs for cost reimbursement should grantees choose to obtain the listed insurance types.

Regulatory Analyses

This ANPRM was developed in accordance with the principles of Executive Order (E.O.) 12866, "Regulatory Planning and Review," E.O.

13563, "Improving Regulation and Regulatory Review," and E.O. 14094, "Modernizing Regulatory Review." Since this action is an ANPRM, it does not create, or propose to create, any new requirements. Therefore, this regulatory action is not significant under section 3(f) of E.O. 12866.

The requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply to this action because at this stage, it is an ANPRM and not a "rule" as defined in 5 U.S.C. 601. Following review of the comments received in response to this ANPRM, if AmeriCorps proceeds with a notice of proposed rulemaking regarding this matter, AmeriCorps will conduct all relevant analyses as required by statute or Executive Order.

Andrea Grill,

Acting General Counsel.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 224

[Docket No.: 241206-0316; RTID 0648-XR136]

Endangered and Threatened Fish and Wildlife; Description of the Western North Pacific Gray Whale Distinct Population Segment

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes a revision to the Code of Federal Regulations (CFR) to update the description of the western North Pacific gray whale distinct population segment (DPS) under the Endangered Species Act (ESA) of 1973 in light of the best available science. The proposed revision is informed by our recently completed 5-year review and a DPS analysis prepared by a Status Review Team. We do not propose to change the ESA-listing status of western North Pacific gray whales, which are classified as an endangered species.

DATES: Comments and information regarding the proposed rule must be received by January 13, 2025.

ADDRESSES: A plain language summary of this proposed rule is available at <https://www.regulations.gov/docket/NOAA-NMFS-2024-0095>. You may

submit comments, information, or data on this document, identified by docket number NOAA-NMFS-2024-0095, by any of the following methods:

- **Electronic Submissions:** Submit all electronic comments via the Federal e-Rulemaking Portal. Go to <https://www.regulations.gov>. In the Search box, enter the above docket number for this document. Then, click on the Search icon. On the resulting web page, click the "Comment" icon, complete the required fields, and enter or attach your comments.

- **Mail:** Submit written information to Megan Wallen, NMFS West Coast Region, 7600 Sand Point Way NE, Seattle, WA 98115.

Instructions: Comments must be submitted by one of the above methods to ensure that the comments are received, documented, and considered by NMFS. 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. 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.*) submitted voluntarily by the sender will be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous).

The western North Pacific gray whale DPS analysis (Weller *et al.* 2023) and the 5-year review of the DPS (NMFS 2023) are both available to access on our website at <https://www.fisheries.noaa.gov/resource/document/dps-analysis-western-north-pacific-gray-whales-under-esa> and <https://www.fisheries.noaa.gov/resource/document/western-north-pacific-dps-gray-whale-5-year-review>, respectively.

FOR FURTHER INFORMATION CONTACT: Megan Wallen, Protected Resources Division, West Coast Region, 206-473-0812, megan.wallen@noaa.gov, Adrienne Lohe, Endangered Species Division, Office of Protected Resources, 301-427-8442, adrienne.lohe@noaa.gov.

SUPPLEMENTARY INFORMATION:

Background

NMFS and the U.S. Fish and Wildlife Service (FWS) jointly administer the ESA, with NMFS having jurisdiction over most marine species, and FWS having jurisdiction over terrestrial