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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.

OFFICE OF THE FEDERAL REGISTER

5 CFR Chapter XL

Interstate Commerce Commission Regulations; Correction Reinstatement of Chapter

Editorial Note: On December 26, 2024, at 89 FR 104,859, the Director of the Federal Register removed 5 CFR Chapter XL pursuant to section 101 of Public Law 104–88, which abolished the Interstate Commerce Commission on December 29, 1995, effective January 1, 1996. However, Public Law 104–88 also includes a savings provision in section 204, stating that all regulations in effect under the Interstate Commerce Commission continue in effect under the Surface Transportation Board. Therefore, the regulations at 5 CFR Chapter XL continue in effect pursuant to Public Law 104–88, section 204, and the removal was in error.

The Director of the Federal Register, pursuant to his authority to maintain an orderly system of codification under 44 U.S.C. 1510 and 1 CFR 8.2, hereby reinstates Chapter XL of Title 5, consisting of Parts 5000 to 5099, of the Code of Federal Regulations.

■ Accordingly, Chapter XL of Title 5 of the Code of Federal Regulations is hereby reinstated as of December 26, 2024.

[FR Doc. 2025–02666 Filed 2–12–25; 8:45 am]

BILLING CODE 0099–10–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2023–1893; Project Identifier AD–2023–00389–A; Amendment 39–22944; AD 2025–02–11]

RIN 2120–AA64

Airworthiness Directives; FS 2001 Corp, FS 2002 Corporation, FS 2003 Corporation, Piper, and Piper Aircraft, Inc. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain FS 2001 Corp, FS 2002 Corporation, FS 2003 Corporation, Piper, and Piper Aircraft, Inc. (Piper) airplanes. This AD was prompted by reports of broken rudders. This AD requires replacing any rudder equipped with a rudder post made from a certain carbon steel with a rudder equipped with a rudder post made from a certain low-alloy steel. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 20, 2025.

ADDRESSES:

AD Docket: You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2023–1893; 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.

FOR FURTHER INFORMATION CONTACT: Joseph Zuklic, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (206) 231–3858; email: joseph.r.zuklic@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 FS 2001 Corp, FS 2002

Corporation, FS 2003 Corporation, and Piper airplanes. The NPRM published in the **Federal Register** on October 6, 2023 (88 FR 69556). On November 20, 2023 (88 FR 80647) the FAA extended the comment period by 90 days until February 20, 2024.

The NPRM was prompted by reports of two non-fatal accidents involving airplanes designed and built by Piper that were caused by broken rudder posts that structurally failed above the upper hinge in flight. Both accidents occurred in Anchorage, Alaska. The first accident occurred on June 8, 2020, and involved an FS 2003 Model PA–12 airplane and the second accident occurred on July 23, 2021, and involved an FS 2002 Model PA–14 airplane. Both airplanes sustained substantial damage when the rudder structurally failed.

The National Transportation Safety Board (NTSB) published the report *Structural Failure of Piper Part Number 40622 Rudder Posts Made of 1025 Carbon Steel*, NTSB/AIR–22–02, dated January 10, 2022 (NTSB/AIR–22–02), which provides information regarding the NTSB’s investigations of these two accidents. The NTSB accident investigation report included a recommendation (Safety Recommendation No. A–22–3) to the FAA to issue an AD addressing this unsafe condition. The NTSB report can be found on [ntsb.gov](https://www.ntsb.gov).

The NTSB examined the rudders involved in these accidents and determined that the rudder posts fractured above the upper hinge and the top portion of the rudder folded over the upper tail brace wires. The NTSB also determined that the rudder posts were made from 1025 carbon steel and fractured due to fatigue.

Prior to the NPRM, the FAA issued an Airworthiness Concerns Sheet, dated September 4, 2020 (Airworthiness Concerns Sheet), which requested information from the aviation community regarding in-flight failure of the rudder just above the upper hinge on all Piper and FS2003 Corp (type certificate previously held by Piper) Model J–5A, J–5B, J–5C, J–5D, AE–1, HE–1, PA–12, PA–12S, PA–14, PA–16, PA–18, L–21, PA–20, and PA–22 airplanes. The responses revealed that there were five additional broken rudder posts dating as far back as 1979.

Before 1974, all rudders installed on Piper model airplanes were equipped

with rudder posts manufactured from 1025 carbon steel and starting in 1974, the rudder posts were manufactured from 4130N low-alloy steel (Chromoly). Most parts manufacturer approval (PMA) rudders are equipped with rudder posts made from 4130N low-alloy steel.

The NTSB determined that the broken rudder posts resulted from the combination of fatigue loading and corrosion affecting the rudder assemblies made from 1025 carbon steel. This condition, if not addressed, could result in a broken rudder and consequent reduced ability of the flight crew to maintain the safe flight and landing of the airplane.

In the NPRM, the FAA proposed to require replacing any rudder equipped with a rudder post made from 1025 carbon steel with a rudder equipped with a rudder post made from 4130N low-alloy steel. The FAA is issuing this AD to address the unsafe condition on these products.

Discussion of Final Airworthiness Directive Changes After the NPRM Was Published

After the NPRM was published, the FAA revised Note 2 to paragraph (c) of this AD to clarify that Piper Service Bulletin 1379B, dated May 7, 2024, contains information on how to determine whether a rudder post is made from 4130N low-alloy steel and that this is not the only way to determine this, and this AD does not require the use of that service bulletin.

In addition, the FAA determined that the Airplane Model column that was included in Table 2 to paragraph (g)—Compliance Times in the proposed AD is not needed and that column has been deleted in this AD.

Comments

The FAA received comments from approximately 354 commenters. The FAA received comments from individual commenters as well as from organizations. The majority of the comments were from individuals. Organizations submitting comments included the Aircraft Owners and Pilots Association (AOPA), Experimental Aircraft Association (EAA), Light Aircraft Association (LAA), National Transportation Safety Board (NTSB), Royal Netherlands Air Force Historic Flight, The Short Wing Piper Club, and the Vintage Aircraft Association (VAA).

The following summarizes the relevant comments received on the NPRM and provides the FAA's responses.

A. Requests To Extend the Comment Period

Comment summary: Several commenters, including AOPA, The Short Wing Piper Club, and VAA, requested that the comment period for the NPRM be extended to allow more time for comments. AOPA requested an extension of 90 days to the NPRM's comment period to be able to prepare informed and meaningful comments with coordinated consensus among its members.

FAA response: The FAA agreed with the commenters' requests and issued an extension of the NPRM's comment period that published in the **Federal Register** on November 20, 2023 (88 FR 80647). That document extended the comment period by 90 days, until February 20, 2024.

B. Requests To Withdraw the NPRM

Comment summary: Numerous individual commenters, AOPA, EAA, LAA, and The Short Wing Piper Club requested that the NPRM be withdrawn.

1. Missing AD Docket Materials

Numerous commenters, including individuals, AOPA, The Short Wing Piper Club, and VAA requested that the NPRM be withdrawn because the FAA did not post all required documents to the AD docket as required by the Federal Aviation Administration Airworthiness Directives Manual, FAA-IR-M-8040.1C, dated May 17, 2010 (AD Manual). The commenters requested additional information that the FAA used in its decision to publish the NPRM, specifically, the information required in Chapter 11, Section 3, paragraphs (a) through (g), page 63, of the AD Manual.

FAA response: The FAA disagrees. When the NPRM was published, the AD docket contained all data required by the AD Manual. The list of requirements from Chapter 11, Section 3, paragraphs (a) through (g), page 63, of the AD Manual is listed below with data included in the AD docket, as applicable.

- *Record of technical decision making:* The NPRM was published in the **Federal Register** on October 6, 2023. Additionally, the presentation provided to the FAA by the VAA is also posted to the AD docket. The report by the VAA provides stress analysis utilized by the FAA.

- *FAA reports, summaries or lists of facts, data, or reports that support the AD action:* NTSB report NTSB/AIR-22-02 was referenced in the NPRM and provides a summary of the five airplanes that the NTSB considered in

its evaluation. It provides additional information for each airplane (airplane model, engine horsepower, landing gear configuration, etc.). In the rulemaking process the FAA considered all five rudders that the NTSB evaluated. The FAA also considered two additional rudder post failures that were identified through responses to the Airworthiness Concerns Sheet. The NPRM identifies the two accidents that occurred in 2020 and 2021, which prompted the NTSB's safety investigation. The NPRM also identifies five additional rudder post failures that are considered in the AD action.

- *ADs or other similar documents issued by an international civil aviation authority:* No other ADs or similar documents issued by an international civil aviation authority are known, so none were published to the AD docket.

- *Regulatory Evaluation Form:* The Regulatory Evaluation Form is no longer required per FAA Deviation Memorandum AIR600-19-6D0-DM003, dated December 16, 2019.

- *Records of each ex parte contact or series of contacts:* One ex parte contact was posted to the AD docket—the presentation from the VAA to the FAA (a one-way presentation).

- *Comments received on the proposed rulemaking:* All comments received during the initial comment period that ended November 20, 2023, and the extended comment period that ended February 20, 2024, are published to the AD docket.

- *Records of approval of documents approved for incorporation by reference (IBR):* Records of approval of IBR documents are no longer published to the AD docket per FAA Deviation Memorandum AIR100-14-140-DM08, dated April 17, 2014. Piper Service Bulletin 1379, dated December 2, 2022, is referenced in the NPRM, but it is not required to do the actions required by this AD and will not have IBR approval.

The FAA has not changed this AD as a result of these comments.

2. Airworthiness Concerns Sheet

Many commenters, including individuals, AOPA, and The Short Wing Piper Club, requested that the NPRM be withdrawn due to the lack of availability of data to interested parties. The commenters stated that the Airworthiness Concerns Sheet was not communicated to all interested parties. Some commenters also stated that they were not notified or were unaware of the Airworthiness Concerns Sheet posted to the FAA website.

FAA response: The FAA disagrees. The Airworthiness Concerns Sheet is intended as a means for FAA Aviation

Safety Engineers to coordinate airworthiness concerns with airplane owners/operators through associations and type clubs before the decision to do an AD and before the establishment of an AD docket. At the time of an Airworthiness Concerns Sheet, the FAA has not made a determination on what type of corrective action (if any) should be taken. The resolution of an airworthiness concern could involve an AD or a special airworthiness information bulletin (SAIB), or the FAA could determine that no action is needed at that time. The FAA's final determination depends in part on the information received in response to the Airworthiness Concerns Sheet. The FAA endorses dissemination of this technical information to all manufacturers and requests association and type club comments. The FAA received feedback from several type clubs and individuals through the Airworthiness Concerns Sheet that helped determine the need for an AD. The FAA received comments through the NPRM process from 354 different commenters. Based on this, the FAA has determined that ample opportunity was provided for public input on this rulemaking action. The Airworthiness Concerns sheet was posted to the docket for NTSB Report ANC20LA059 and is available to the public.

The FAA has not changed this AD as a result of these comments.

3. Improper Engine Installation

Several commenters, including individuals and LAA, suggested that the NPRM be withdrawn because the cause of the rudder posts failing is that higher horsepower engines are being installed and are not compliant with FAA regulations. Several of the commenters further stated that the FAA should correct the illegal engine installations rather than impose an unneeded rudder replacement on the remaining fleet that does not have higher horsepower engines installed.

FAA response: The FAA disagrees. These airplanes utilize higher horsepower engines through FAA-approved supplemental type certificates (STCs). The FAA has no data to show that any of the airplanes involved in the referenced accidents had incorrect engine installations. The FAA's analysis shows that the unsafe condition will occur on both the higher and lower horsepower engine. The FAA has added an additional category in table 2 to paragraph (g)(1)—Compliance Times, of this AD, for airplanes with lower horsepower engines (100-horsepower or below) that do not have a rudder post mounted beacon light, and the

compliance time for the rudder replacement is within 10 years after the effective date of this AD. The FAA has no evidence that engines are being installed in a non-compliant manner.

The FAA has not changed this AD as a result of these comments.

4. Risk Level

Many commenters, including individuals, AOPA, EAA, LAA, The Short Wing Piper Club, and VAA, suggested that two reported incidents (referred to as accidents in the NPRM) does not justify an NPRM, therefore, it should be withdrawn. The commenters stated that two incidents out of over 31,000 airplanes does not represent a risk level that warrants an AD. Some of these individual commenters suggested that the NPRM be replaced by an SAIB.

FAA response: The FAA disagrees. An SAIB contains non-mandatory information and guidance for certain safety issues. The SAIB is an information tool to alert, educate, and make recommendations to the aviation community about ways to improve the safety of a product. An SAIB is generally not issued where there is an unsafe condition. The FAA has data supporting its determination that an unsafe condition exists with the specified parts.

The FAA evaluated two accidents and five rudder post failures to determine that an unsafe condition exists:

- Two separate accident investigations, referenced as ANC20LA059 and ANC21LA064, detailed in NTSB report NTSB/AIR-22-02.

- NTSB investigators obtained three additional previously broken rudders and included these broken rudders in their evaluation.

- Two additional rudder post failures that occurred in 1979 and 1990 were reported to the FAA and the broken rudders were not available for the NTSB's examination. These rudder post failures were reported to the FAA in response to the Airworthiness Concerns Sheet. The 1979 airplane was a Model PA-18 with standard wheel landing gear and a 180-horsepower engine. The 1990 airplane was a Model PA-12 with ski landing gear and a 160-horsepower engine.

- The FAA also received comments from repair facilities indicating that this failure has happened on multiple other occasions over the years, although no specifics were available.

The FAA determined that corrosion and fatigue will accelerate the failures over time as the strength of the rudder is continually compromised due to the combined effects of corrosion and

fatigue. Furthermore, many of the approximately 31,000 airplanes are not currently in service (currently there are about 13,000 active airplanes in the fleet)—and many of these airplanes already have rudder assemblies made from 4130N low-alloy steel installed. Therefore, as the rudder post failures have accumulated over time, the number of active airplanes with rudder assemblies made from 1025 carbon steel has decreased. Given that more rudder post failures are occurring within a shrinking fleet size indicates that the failure is occurring more frequently as corrosion progresses and fatigue cycles accumulate.

The FAA has not changed this AD as a result of these comments.

5. NPRM Not Warranted Due to No Crashes or Injury From Rudder Failure and Inaccuracy of the NTSB Report

Several commenters, including individuals, AOPA, EAA, and The Short Wing Piper Club, suggested that the NPRM is not warranted and should be withdrawn. The commenters stated that there have never been any crashes or injuries from rudder failure. Some of the commenters further stated that the two reported accidents did not rise to the level of being called an accident and that they should be classified as "incidents" making the NPRM unnecessary.

In addition, The Short Wing Piper Club stated that the NTSB report results were problematic. The Short Wing Piper Club stated that the NTSB report used an incorrect testing methodology to an extremely small sample. In addition, The Short Wing Piper Club claimed that there was evidence that at least one person believed the material was 4130N low-alloy steel.

FAA response: The FAA disagrees. The FAA issues an AD once an unsafe condition has been identified and the unsafe condition is likely to exist or develop in other products of the same type design; there does not need to be loss of life or significant damage to an airplane. Because it is a critical component, failure of a rudder could result in loss of control of the airplane.

As indicated in NTSB report NTSB/AIR-22-02, the Piper Model PA-12 and Model PA-14 airplanes that were investigated by the NTSB were both referred to as "accidents." The FAA is adopting the same terminology as the NTSB. In the two accidents and five rudder post failures where a crash did not occur, although the airplane may have retained a limited amount of rudder control, it may not have been sufficient for control and landing in all flight conditions. In some cases, it

caused a permanent rudder input that the pilot could not override, and it also caused a pitch-up condition that the pilot had to compensate for with nose down elevator inputs. Even though many of the affected airplanes landed safely, had the weather or terrain conditions at the time of the flight been different, a crash could have occurred, and injuries could have resulted. Therefore, the FAA has determined that an unsafe condition exists and is likely to exist or develop in other products of the same type design and needs to be corrected.

The FAA also does not agree that the NTSB reports are incorrect and determined that they are both technically and factually accurate. The hardness tests were initially performed to determine the material in the failed rudder posts. There is a correction used in the hardness tests to account for a curved surface. The failed rudder posts were oblong (not round) due to the failure. However, the NTSB concluded that the hardness tests were accurate enough to determine the material. In addition, the NTSB also had metallurgical tests performed on the failed rudders and these tests confirmed that the failed rudders were made from 1025 carbon steel. In addition, the FAA does not agree that a small sample size is inadequate or flawed. The FAA determined that the NTSB investigation, and the sample size, is adequate to draw a conclusion to the nature of the unsafe condition.

The FAA has not changed this AD as a result of these comments.

6. Affected Airplanes on U.S. Registered Fleet

Several commenters, including individuals, AOPA, EAA, LAA, The Short Wing Piper Club, and VAA, stated that the NPRM would be burdensome based on the sheer number of affected airplanes. The FAA infers that the commenters requested that the NPRM be withdrawn. The commenters stated that the NPRM was an overreach by the FAA based on only two incidents out of 31,000 airplanes in the U.S. general aviation fleet.

FAA response: The FAA disagrees. Although approximately 31,000 of the affected airplanes were originally registered in the United States, about 13,000 of these airplanes are currently active. The FAA estimates that around half of the remaining 13,000 active airplanes already have a rudder assembly made from 4130N low-alloy steel. This brings the number of airplanes needing a new rudder down to roughly 6,500 airplanes. Regardless of the final number of affected airplanes,

the FAA issues ADs on airplane fleets of varying sizes to address an unsafe condition. As discussed above in paragraph B4, this AD was not based only on two accidents, but on these two accidents and five rudder post failures. In evaluating this information, the FAA determined that the unsafe condition is likely to exist on other airplanes with similar or the same type design.

The FAA has not changed this AD as a result of these comments.

7. Rudder Post Failed, Not the Rudder

Many commenters, including individuals and The Short Wing Piper Club, stated that the NPRM should be withdrawn or further limited in scope because the rudder post failed, not the rudder. The commenters also stated that the incident airplanes landed safely, therefore no unsafe condition exists.

FAA response: The FAA disagrees. The FAA reviewed the photographs shown in NTSB report NTSB/AIR-22-02 and determined that the rudder had failed. Although the airplanes may have retained a limited amount of rudder control, it may not have been sufficient for controlling and landing those airplanes in all conditions.

Additionally, just because airplanes have been able to land safely does not mean that rudder post failure would not present an unsafe condition. If the rudder post fails, the top of the rudder folds over in-flight, which leads to diminished control of the airplane and loss of control of the airplane.

The FAA has not changed this AD as a result of these comments.

8. Rudder Availability

Several commenters, including individuals, The Short Wing Piper Club, and VAA, stated that the NPRM should be withdrawn due to lack of rudder availability. The commenters stated that the PMA manufacturers will not be able to produce 31,000 new rudders to comply with the AD within the AD compliance times.

FAA response: The FAA disagrees. Many of the 31,000 airplanes are not currently in service. There are an estimated 13,000 active airplanes in the U.S. fleet, and the FAA estimates that approximately half of those airplanes already have rudder assemblies with 4130N low-alloy steel installed. This reduces the number of rudders needed to approximately 6,500. The FAA also anticipates that many operators will reinforce their rudders by using the alternative method of compliance (AMOC) process rather than replacing them. The FAA estimates that this will reduce the number of new rudder assemblies needed from the PMA

manufacturers even further. In addition, the FAA anticipates that the PMA manufacturers can produce the necessary rudder assemblies within the compliance times of this AD. The FAA cannot base its AD action on whether spare parts are available or can be produced. While every effort is made to avoid grounding airplanes, the FAA must address the unsafe condition.

The FAA has not changed this AD as a result of these comments.

C. Requests Regarding Applicability

Comment summary: Numerous individual commenters, AOPA, EAA, LAA, NTSB, The Short Wing Piper Club, and VAA, requested applicability changes to the proposed AD.

1. Add Other Airplane Models to Applicability

Several commenters, including individuals and the NTSB stated that other airplane models should be added to the applicability of the proposed AD. The commenters stated that other airplane models use the same rudder type.

FAA response: The FAA partially agrees. The FAA received a letter from the NTSB dated November 14, 2023, which identified the Model PA-25 airplane as a missing model in the applicability of the proposed AD. Piper sold the Model PA-25 airplane type certificate to a company located in Argentina. Therefore, the state of design for the Model PA-25 airplane is Argentina. The FAA has transmitted the NTSB's letter to the National Civil Aviation Administration of Argentina, which is the civil aviation authority for Argentina. The FAA will work with the National Civil Aviation Administration of Argentina to assure that this condition is addressed on the Model PA-25 airplanes.

The FAA has not changed this AD as a result of these comments.

2. Remove Model J-3 and Model PA-11 Airplanes From Applicability

Several commenters, including individuals, LAA, The Short Wing Piper Club, and VAA, stated that the Model J-3 and Model PA-11 airplanes should be removed from the applicability. The FAA infers that, by Model J-3 and Model PA-11 airplanes, the commenters are referring to all models that begin with "J3" and "PA-11." The commenters stated that the rudder assembly part number for the Model "J3" and Model "PA-11" airplanes is a different rudder assembly part number compared with the rudder assembly part number for the incident airplanes. The commenters also stated that these

models have never been involved in an incident where the rudder has failed.

FAA response: The FAA disagrees. The rudder assembly part number for the Model “J3” and Model “PA-11” airplanes is different than the rudder assembly part number for other affected models. However, the part number of the rudder post itself is the same for both rudder assemblies. Given that the part number for the rudder post is the same for both rudder assemblies, the FAA disagrees with removing these models from this AD and has determined that the Model “J3” and Model “PA-11” airplanes are applicable for this AD. Although stresses on the Model “J3” and Model “PA-11” airplanes are somewhat lower than the rest of the fleet, the NTSB determined in NTSB report NTSB/AIR-22-02 that the failure is a combination of fatigue and corrosion. Given the contribution of corrosion to the failure the FAA has determined that the same failure can also occur on the Model “J3” and Model “PA-11” airplanes. The compliance times required by this AD are different based on category type as defined in Table 2 to paragraph (g)—Compliance Times of this AD.

As previously stated, the FAA revised table 2 to paragraph (g)(1)—Compliance Times of this AD to include a Category IV for airplanes that do not have a rudder post mounted beacon light and have an engine of 100 hp or below installed. The compliance time for Category IV airplanes is within 10 years after the effective date of this AD. The Model “J3” and Model “PA-11” airplanes would fall into this category provided they do not have a post mounted beacon light and do not have an engine installed with more than 100 hp. VAA calculated loads and stresses on the rudder post for all affected airplane models and the results are posted to the AD docket.

The FAA has not changed this AD as a result of these comments.

3. Limit to Airplanes With Floats

Numerous commenters, including individuals, EAA, LAA, and The Short Wing Piper Club, requested that the applicability be limited to airplanes with floats installed. The commenters stated that the incidents occurred on airplanes that were on floats operating in a marine environment in Alaska. The commenters further stated that airplanes with floats installed require the installation of a ventral fin that reduces required rudder input.

FAA response: The FAA disagrees. The FAA evaluated two accidents and five rudder post failures, and of the airplanes involved in those rudder post

failures, only two airplanes were equipped with floats and those airplanes did not have a ventral fin installed, three airplanes had standard wheel landing gear, one airplane had ski landing gear, and one airplane had a wheel/ski landing gear configuration. Therefore, this failure has occurred on airplanes without floats more times than airplanes with floats installed. One of the affected airplanes based in Colorado had a standard wheel landing gear installed and was not operating in a marine environment; therefore, this failure mode cannot be attributed solely to float-equipped airplanes. Also, not all float configurations require a ventral fin to be installed so it cannot be presumed that if a ventral fin is not installed then the installation is incorrect. Although the ventral fin may be required for some float installations, it is not the only contributing factor, as this failure has also occurred on non-float airplanes.

The FAA has not changed this AD as a result of these comments.

4. Limit Applicability to Model PA-12 and Model PA-14 Airplanes

Many commenters, including individuals, AOPA, EAA, VAA, and LAA, suggested that the NPRM be limited to airplane configurations matching those of the incident airplanes (*i.e.*, Model PA-12 and Model PA-14 airplanes). The commenters stated that including other airplane models is an FAA overreach and those airplane models are not applicable to the unsafe condition.

FAA response: The FAA disagrees. In addition to the airplane models identified by the commenters, the FAA identified a Model PA-18 airplane that experienced an in-flight rudder post failure. NTSB report NTSB/AIR-22-02 also provides information on a failed rudder from a Model PA-18 airplane. The FAA also reviewed the loads calculations in NTSB report NTSB/AIR-22-02 and determined that loads on other airplane models would not differ significantly, therefore other airplane models could also be susceptible to the rudder failure. This assumption is supported by the analysis that the VAA performed on all affected airplane models showing that the stresses on the rudders from both maneuver loads and gust loads are similar in magnitude across these airplane models. The VAA’s analysis is posted to the AD docket. Based on the seven known rudder post failures on three different airplane models (Model PA-12, Model PA-14, and Model PA-18) and the analysis conducted by the NTSB and the VAA for all affected airplane models, the FAA has determined that issuing an

AD is necessary. In accordance with 14 CFR 39.5, the FAA issues an AD addressing a product when the FAA finds that an unsafe condition exists in the product and the condition is likely to exist or develop in other products of the same type design. Lastly, these rudder assemblies are rotatable and can be salvaged from one airplane model and reinstalled on a different airplane model. Therefore, restricting the applicability of this AD to only include the airplane models referenced in NTSB/AIR-22-02 would not completely address the unsafe condition when considering the rotatability of the rudder from one model to another.

The FAA has not changed this AD as a result of these comments.

5. Limit to Airplanes With a Rudder-Mounted Beacon Light

Numerous commenters, including individuals, EAA, LAA, The Short Wing Piper Club, and VAA, requested that the NPRM be limited to airplanes with a rudder-mounted beacon light installed. The commenters stated that the additional load due to the beacon light was the cause of the rudder post failure.

FAA response: The FAA disagrees. Although the installation of the beacon light would contribute to the rudder post failure, the standard in-service rudder post loads and stresses likely exceed the endurance limit of the rudder post when corrosion, scratches, or surface roughness are present on the rudder post. Additionally, the propeller blade pass frequency is significantly higher than the natural frequency of the upper rudder post and would not significantly affect the bending stress on the rudder post. If the propeller blade pass frequency is in the same range as the natural frequency of the rudder post when there is a beacon light installed on the top of the rudder, then the stress on the rudder post would amplify significantly due to the propeller blade pass frequency. In addition, since the rudder assembly is rotatable from one airplane to another, a rudder assembly that had the beacon light installed on top of the rudder could have the beacon light removed to avoid having to comply with this AD. Furthermore, the rudder assembly could be removed from one airplane, and then reinstalled on a different airplane without the beacon light installed. However, the compliance times in this AD do account for the presence of a beacon light as it is a contributing factor and even if an operator removed the beacon light to get a different compliance time, the rudder would still eventually need to be replaced.

The FAA has not changed this AD as a result of these comments.

6. Limit to Airplanes With Higher Horsepower Engines

Numerous commenters, including individuals, EAA, LAA, The Short Wing Piper Club, and VAA, requested that the NPRM be limited to airplanes with higher horsepower engines than what is listed on the type certificate data sheet for those airplane models. The commenters stated that the cause of the rudder post failure was the installation of engines with higher horsepower than specified on the applicable type certificate data sheet for those airplanes. The commenters suggested that higher horsepower engines increase p-factor (asymmetric blade effect), which increases rudder loading.

FAA response: The FAA disagrees. Installation of a higher horsepower engine does not necessarily cause higher loads on the rudder if the modification did not include expanding the flight envelope of the airplane. Rudder inputs are common during regular flight of the affected fleet regardless of engine horsepower and are the primary source of the cyclical loading environment on the rudder post. Calculation of the rudder loads does not directly include the engine horsepower. Therefore, the rudder loads should remain largely unchanged for airplanes that have a higher horsepower engine installed. Although the p-factor would change, the FAA has no data or evidence that a higher p-factor contributes significantly to normal rudder loading during flight.

The NTSB and VAA calculated loads and stresses on the rudder post that approach the endurance limit based on the maneuvering and gust loads prescribed in Civil Air Regulations (CAR 03), which is the predecessor to 14 CFR part 23, and is the original certification basis for the affected airplanes. With the presence of corrosion, pitting, or scratches, the strength of the rudder post is reduced, and the increased fatigue stress can exceed the endurance limit of 1025 carbon steel. The NTSB concluded that this is the primary mechanism that caused the rudder post failures.

The FAA acknowledges that the rudders on the airplanes with lower horsepower engines may not need replacement as often as other models. As previously stated, the FAA revised Table 2 to paragraph (g)—Compliance Times of this AD to include a Category IV for airplanes that do not have a rudder post mounted beacon light and have an engine of 100 hp or below installed. The compliance time for

Category IV airplanes is within 10 years after the effective date of this AD.

7. AD Applicability Match Piper Service Bulletin 1379

Several individual commenters requested that the applicable serial numbers for various airplane models match Piper Service Bulletin 1379, dated December 2, 2022 (Piper Service Bulletin 1379). The commenters stated that the NPRM lists all serial numbers for the affected models whereas Piper Service Bulletin 1379 lists specific serial numbers for most of the affected airplane models. The commenters also stated that for some airplane models, Piper Service Bulletin 1379 does not call out all produced airplanes. The commenters further stated that matching the effectivity in Piper Service Bulletin 1379 would reduce the scope of the NPRM.

FAA response: The FAA disagrees. Piper Aircraft, Inc. recently released Piper Service Bulletin 1379B, dated May 7, 2024, which includes all produced airplanes for each airplane model that has a type certificate owned by Piper. Because some of the affected airplane models' type certificates and design authority are now owned by FS 2001 Corp, FS 2002 Corporation, and FS 2003 Corporation, those airplane models are not included in Piper Service Bulletin 1379 and that is why the applicability of this AD specifies all of the affected airplane models instead of referring to the Piper service bulletin.

The FAA has not changed this AD as a result of these comments.

D. Requests Regarding Repetitive Inspections

Comment summary: Many commenters, including individuals, AOPA, EAA, The Short Wing Piper Club, and VAA, requested an option to inspect the rudder post or perform strength testing on the rudder post on a regular basis instead of replacing the entire rudder. The commenters stated that corrosion is a contributor to the rudder failure, therefore, requiring inspections or performing strength tests would be a more logical and more cost-effective means to ensure the strength of the rudder post is adequate for flight.

FAA response: The FAA disagrees. It would be impractical to repetitively inspect the rudder for cracks, corrosion, and other damage. The operators could inspect the inside of the rudder post tube with a borescope; however, they would not be able to inspect the outer surface of the tube without removing the fabric. An inspection interval that adequately monitors the rudder post condition may be too costly because it

will require frequent removal of the covering. Furthermore, many of the existing 1025 carbon steel rudders have been in service for over 70 years, have endured multiple corrosion removal processes, and have been painted or powder coated several times, making accurate inspections more challenging.

In addition, a load test as an inspection to determine airworthiness is problematic because the load test could further damage the rudder and contribute to an accident. It would be very difficult to determine an acceptable load test that would in all cases determine a suspect rudder and not unknowingly damage a rudder. Strength testing the rudder post up to approximately yield stress is also problematic. If the strength of the rudder has been degraded over the years due to corrosion and fatigue, a test load could cause permanent, but unnoticed, damage to the rudder and could be the cause of a rudder failure in a subsequent flight.

If an owner/operator would like to implement an inspection program on its airplane to monitor the strength of the rudder in lieu of replacement, the FAA will consider the proposal upon submission of an AMOC request following the procedures in paragraph (h) of this AD.

The FAA has not changed this AD as a result of these comments.

E. Requests Regarding Rudder Post Reinforcement

Comment summary: Several commenters, including individuals, AOPA, EAA, LAA, The Short Wing Piper Club, and VAA, requested an option to reinforce the rudder post instead of replacing the entire rudder. The commenters stated that offering an option to reinforce the rudder post would be easier to accomplish and more cost-effective on the owner/operator than replacing the entire rudder.

FAA response: The FAA disagrees. Reinforcement could strengthen the critical location on the rudder post; however, many airplanes are over 70 years old, which makes it difficult to design a repair that will work for all airplanes and provide that repair as an option in the final rule. With so many affected airplane types to consider and with differing in-service history, the FAA determined that the AMOC process would be more effective in allowing owner/operators to propose a reinforcement design of their choice. If an owner/operator would like to reinforce the rudder post in lieu of replacement, the FAA will consider the proposal upon submission of an AMOC

request following the procedures in paragraph (h) of this AD.

The FAA has not changed this AD as a result of these comments.

F. Requests Regarding Estimated Costs

Comment summary: Many commenters, including individuals, AOPA, The Short Wing Piper Club, and VAA, requested that the FAA increase the cost per work-hour specified in the NPRM. The commenters stated that \$85 per work-hour is too low and does not reflect the current labor rate. The commenters also stated that most mechanics would not be able to perform the rudder replacement within 8 hours. Some of these commenters also stated that there should be an allowance for inflation over the compliance time.

FAA response: The FAA disagrees. The FAA notes that the current wage rate for aviation mechanics as provided by the Bureau of Labor Statistics, found at bls.gov/oes/2023/may/oes493011.htm, after accounting for fringe benefits that are valued at roughly 50 percent of the nominal wage, is lower than the estimated fully burdened labor rate of \$85 per hour. Therefore, the FAA is unable to justify increasing the labor rate from \$85 per hour. The FAA's estimate that it would take 8 work-hours to perform the rudder replacement was based on available data. The cost analysis in AD rulemaking actions typically includes only the costs associated with complying with the AD and does not include an allowance for inflation over the compliance time.

The FAA has not changed this AD as a result of these comments.

G. Requests Regarding Compliance Times

Comment summary: Several commenters, including individuals, the Royal Netherlands Airforce Historic Flight, and VAA, requested that the FAA use hours in service rather than years in service to establish compliance times. The commenters stated that hours in service should be the criteria that

establishes when compliance action should be taken as it would be the causal factor in the rudder failure.

FAA response: The FAA disagrees. The FAA determined that fatigue and corrosion were the contributing factors to the rudder failure. Hours in service may not directly correlate to the effects of corrosion depending on the storage conditions of the airplane. Since many of these airplanes are over 70 years old, and based on the unknown effects of corrosion, determining airplane categories based on hours in service would not accurately address the unsafe condition.

The FAA has not changed this AD as a result of these comments.

H. Impact on Intrastate Aviation in Alaska and Small Entities

Comment summary: Many commenters, including individuals and The Short Wing Piper Club, stated that the impact on intrastate aviation in Alaska was not properly assessed in the NPRM, since a significant number of affected airplanes are operated in Alaska and used to transport supplies. In addition, commenters also stated that the FAA did not properly assess whether there was a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. Some commenters stated that a significant number of small businesses and charitable operations would be impacted by this AD.

FAA response: The FAA disagrees. Based on the PMA manufacturers' abilities to positively meet the fleet demand for parts, combined with the addition of the new Category IV airplane compliance time previously mentioned (airplanes with lower horsepower and no beacon light) that provides a 10-year compliance time, the FAA does not agree that this AD will negatively affect intrastate commerce in Alaska. In light of the heavy reliance on aviation for intrastate transportation in Alaska, the FAA has fully considered the effects of this final rule (including costs to be

borne by affected operators) from the earliest possible stages of AD development. As previously stated, 14 CFR part 39 requires operators to correct an unsafe condition identified on an airplane to ensure operation of that airplane in an airworthy condition. The FAA has determined that the need to address fatigue loading and corrosion of rudder posts made from 1025 carbon steel which, if not addressed, could result in a broken rudder and consequent reduced ability of the flight crew to maintain the safe flight and landing of the airplane, outweighs any impact on aviation in Alaska.

As far as this AD affecting a substantial number of small businesses, the FAA does not agree. The commenters did not provide any evidence or data to substantiate that this would affect a substantial number of small businesses. Based on the estimated cost impact of \$3,000 (labor and parts cost) per each airplane affected by this final rule and that operators should be able to find replacement rudders without difficulty, the FAA has determined that this rule will not significantly impact a substantial number of small entities.

The FAA has not changed this AD as a result of these comments.

Conclusion

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

Costs of Compliance

The FAA estimates that this AD affects 30,992 airplanes of U.S. registry.

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

ESTIMATED COSTS

| Action | Labor cost | Parts cost | Cost per product | Cost on U.S. operators |
|----------------------|--------------------------------------------|------------|------------------|------------------------|
| Replace rudder | 8 work-hours × \$85 per hour = \$680 | \$2,320 | \$3,000 | \$92,976,000 |

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 airplane 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, Airplane, 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:

2025-02-11 FS 2001 Corp, FS 2002

Corporation, FS 2003 Corporation, Piper, and Piper Aircraft, Inc.:
Amendment 39-22944; Docket No.

FAA-2023-1893; Project Identifier AD-2023-00389-A.

(a) Effective Date

This airworthiness directive (AD) is effective March 20, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all airplane models specified in table 1 to paragraph (c) of this AD, certificated in any category, that are not equipped with a rudder having a rudder post made from 4130N low-alloy steel.

Note 1 to paragraph (c): Most parts manufacturer approval (PMA) rudders are equipped with a rudder post made from 4130N low-alloy steel. This can be verified by reviewing the individual PMA.

Note 2 to paragraph (c): Piper Service Bulletin 1379B, dated May 7, 2024, contains information on how to determine whether a rudder post is made from 4130N low-alloy steel. This is not the only way to determine this and this AD does not require the use of this service bulletin.

TABLE 1 TO PARAGRAPH (c)—APPLICABLE AIRPLANE MODELS

| Type certificate holder | Airplane model |
|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| FS 2001 Corp | J5A (Army L-4F), J5A-80, J5B (Army L-4G), J5C, AE-1, HE-1. |
| FS 2002 Corporation | PA-14. |
| FS 2003 Corporation | PA-12, PA-12S. |
| Piper Aircraft, Inc | J3C-40, J3C-50, J3C-50S, J3C-65, J3C-65S, PA-11, PA-11S. |
| Piper Aircraft, Inc | J3F-50, J3F-50S, J3F-60, J3F-60S, (Army L-4D) J3F-65, J3F-65S. |
| Piper Aircraft, Inc | J3L, J3L-S, J3L-65 (ARMY L-4C), J3L-65S. |
| Piper Aircraft, Inc | J4, J4A, J4A-S. |
| Piper Aircraft, Inc | J4E (ARMY L-4E). |
| Piper | J4F. |
| Piper Aircraft, Inc | PA-15. |
| Piper Aircraft, Inc | PA-16, PA-16S. |
| Piper Aircraft, Inc | PA-17. |
| Piper Aircraft, Inc | PA-18, PA-18S, PA-18 “105” (Special), PA-18S “105” (Special), PA-18A, PA-18 “125” (Army L-21A), PA-18S “125”, PA-18AS “125”, PA-18 “135” (Army L-21B), PA-18A “135”, PA-18S “135”, PA-18AS “135”, PA-18 “150”, PA-18A “150”, PA-18S “150”, PA-18AS “150”, PA-19 (Army L-18C), PA-19S. |
| Piper Aircraft, Inc | PA-18A (Restricted), PA-18A “135” (Restricted), PA-18A “150” (Restricted). |
| Piper Aircraft, Inc | PA-20, PA-20S, PA-20 “115”, PA-20S “115”, PA-20 “135”, PA-20S “135”. |
| Piper Aircraft, Inc | PA-22, PA-22-108, PA-22-135, PA-22S-135, PA-22-150, PA-22S-150, PA-22-160, PA-22S-160. |

(d) Subject

Joint Airplane System Component (JASC) Code 5540, Rudder Structure.

(e) Unsafe Condition

This AD was prompted by reports of broken rudders. The FAA is issuing this AD to address fatigue loading and corrosion of rudder posts made from 1025 carbon steel

which, if not addressed, could result in a broken rudder and consequent reduced ability of the flight crew to maintain the safe flight and landing of the airplane.

(f) Compliance

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

(g) Required Actions

(1) At the applicable compliance time for the category type for your airplane specified in table 2 to paragraph (g)(1) of this AD, replace the rudder with a rudder that is equipped with a rudder post made from 4130N low-alloy steel.

TABLE 2 TO PARAGRAPH (g)(1)—COMPLIANCE TIMES

| Category type | Compliance time |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| Category I Airplanes: Airplanes having both a rudder post mounted beacon light and a 150 or greater horsepower (hp) engine installed. | Within 2 years after the effective date of this AD. |
| Category II Airplanes: Airplanes having either a rudder post mounted beacon light or a 150 or greater hp engine installed. | Within 3 years after the effective date of this AD. |
| Category III Airplanes: All airplanes not in Category I or Category II that do not have a rudder post mounted beacon light and have an engine less than 150 hp and greater than 100 hp installed. | Within 5 years after the effective date of this AD. |

TABLE 2 TO PARAGRAPH (g)(1)—COMPLIANCE TIMES—Continued

| Category type | Compliance time |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|
| Category IV Airplanes: All airplanes not in Category I, II, or III that do not have a rudder post mounted beacon light and have an engine of 100 hp or below installed. | Within 10 years after the effective date of this AD. |

(2) As of the effective date of this AD, do not install any rudder that is equipped with a rudder post made from 1025 carbon steel on any airplane.

(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: *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.

(i) Additional Information

(1) For more information about this AD, contact Joseph Zuklic, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (206) 231-3858; email: *joseph.r.zuklic@faa.gov*.

(2) For material identified in this AD that is not incorporated by reference, contact Piper Aircraft, Inc., 2926 Piper Drive, Vero Beach, FL 32960; phone: (772) 299-2141; website: *piper.com*. You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222-5110.

(j) Material Incorporated by Reference

None.

Issued on January 31, 2025.

Steven W. Thompson,

Acting Deputy Director, Compliance & Airworthiness Division, Airplane Certification Service.

[FR Doc. 2025-02528 Filed 2-12-25; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 83

[BIA-2022-0001; 256A2100DD AAKP300000 A0A501010.000000]

RIN 1076-AF67

Federal Acknowledgment of American Indian Tribes

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Final rule; delay of effective date.

SUMMARY: On January 15, 2025, the Department of Interior (Department) published in the **Federal Register** a final rule revising regulations governing the Federal acknowledgment process. The rule was set to take effect February 14, 2025; however, the department is delaying that date. The new effective date is March 21, 2025.

DATES: The effective date for the final rule published on January 15, 2025, at 90 FR 3627, is delayed to March 21, 2025.

FOR FURTHER INFORMATION CONTACT: Oliver Whaley, Director, Office of Regulatory Affairs and Collaborative Action, Office of the Assistant Secretary—Indian Affairs (AS-IA), (202) 738-6065. 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.

SUPPLEMENTARY INFORMATION: On January 15, 2025, the Department of the Interior published a final rule creating a conditional, time-limited opportunity for petitioners denied Federal acknowledgment to re-petition, through implementation of a re-petition authorization process. The final rule appends a new subpart titled “Subpart D—Re-Petition Authorization Process” to the end of the current part 83 regulations. The new subpart applies to “unsuccessful petitioner[s],” which is a new term defined in § 83.1. The final rule also inserts new definitions for “re-petition authorization process” and “re-petitioning” in § 83.1. Additionally, the final rule revises 25 CFR 83.4(d), the

provision that previously prohibited re-petitioning. The provision as revised notes a limited exception to the re-petition ban for unsuccessful petitioners that meet the conditions of §§ 83.47 through 83.49, as determined by AS-IA in the re-petition authorization process.

On January 20, 2025, after publication of the final rule, the President of the United States issued a Presidential Memorandum (PM) titled “Regulatory Freeze Pending Review.”¹ The PM orders all executive departments and agencies to consider postponing for 60 days from the date of the PM the effective date for any rules published in the **Federal Register** that have not taken effect, “for the purpose of reviewing any questions of fact, law, and policy that the rules may raise.”²

Here, good cause exists for postponing the effective date of the final rule for 60 days from the date of the PM, without subjecting the postponement to notice-and-comment procedure. As a preliminary matter, notice-and-comment procedure would be impracticable. The time frame for the receipt and review of comments would necessarily extend past the original, February 14 effective date and likely past the new, March 21 effective date as well.

Additionally, a 35-day postponement is reasonable. Pursuant to 25 U.S.C. 2, the Secretary of the Interior has “the management of all Indian affairs and of all matters arising out of Indian relations,” including the administration of the Department’s Federal acknowledgment process.³ Whether to allow re-petitioning is a policy determination that falls within the scope of “the management of all Indian affairs,” and the new administration needs time to review the policy determination, consistent with the direction set forth in the PM.

¹ Presidential Memorandum on Regulatory Freeze Pending Review (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/regulatory-freeze-pending-review/>.

² *Id.*

³ See, e.g., *Muwekma Ohlone Tribe v. Salazar*, 708 F.3d 209, 211 (D.C. Cir. 2013); *James v. United States Dep’t of Health & Human Servs.*, 824 F.2d 1132, 1137 (D.C. Cir. 1987).

For the reasons stated above, the final rule is now effective on March 21, 2025.

Bryan Mercier,

Director, Bureau of Indian Affairs Exercising the delegated authority of the Assistant Secretary—Indian Affairs.

[FR Doc. 2025–02558 Filed 2–12–25; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 926 and 950

[SATS No. WY–049–FOR; Docket ID: OSM–2021–0003; SATS No. MT–042–FOR; Docket ID: OSM–2023–0007 S1D1S SS08011000 SX064A000 256S180110; S2D2S SS08011000 SX064A000 25XS501520]

Wyoming Regulatory Program and Montana Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule; delay of effective dates.

SUMMARY: In accordance with the Presidential Memorandum of January 20, 2025, titled “Regulatory Freeze Pending Review,” this action temporarily delays the effective date of the Wyoming and Montana Regulatory Program amendments.

DATES: The effective date of the rule published on January 13, 2025, at 90 FR 2614 (Wyoming Regulatory Program amendment) is delayed until March 21, 2025, and the rule published on January 15, 2025, at 90 FR 3673 (Montana Regulatory Program amendment) is delayed until March 21, 2025.

FOR FURTHER INFORMATION CONTACT: Jeffrey Fleischman, Field Office Director, Office of Surface Mining Reclamation and Enforcement, 100 East B Street, Casper, Wyoming 82606, Telephone: (307) 261–6550, Email: jfleischman@osmre.gov.

SUPPLEMENTARY INFORMATION:

Wyoming Regulatory Program

On January 13, 2025, OSMRE published a rule approving an amendment to the Wyoming Regulatory Program. The amendment proposed rules that would facilitate the disposal of inert decommission wind turbine blades and towers as backfill in end walls or the final pit voids in surface coal mining operations. The State also made changes to its regulations to provide consistency with the Wyoming Secretary of State’s Rules on Rules, as well as correct grammatical errors.

Montana Regulatory Program

On January 15, 2025, OSMRE published a rule partially approving and partially not approving an amendment to the Montana Regulatory Program. The amendment concerned changes to the definition of material damage and changes to permit requirements related to hydrologic information.

On January 20, 2025, the White House issued a memorandum instructing Federal agencies to consider postponing the effective date of any regulations that have published in the **Federal Register** but not yet taken effect for 60 days from date of the memorandum “for the purpose of reviewing any questions of fact, law, and policy that the rules may arise.” After consideration, OSMRE is delaying the effective date of the Wyoming and Montana Regulatory Program amendments published on January 13, 2025 (90 FR 2614) and January 15, 2025 (90 FR 3673), respectively.

OSMRE is taking this action to extend the effective date without opportunity for public comment and with an immediate effective date based on the good cause exemptions in 5 U.S.C. 553(b)(4)(B). Seeking public comment on the effective date extension is impracticable, unnecessary, and contrary to the public interest. The temporary delay in effective date is necessary to give Department officials the opportunity for further review and consideration of new regulations, consistent with the memorandum of the President, dated January 20, 2025. Given the imminence of the original effective date of these two amendments, seeking prior public comment on this temporary delay is impractical, and contrary to the public interest in the orderly promulgation and implementation of regulations. For the foregoing reasons, the good cause exception in 5 U.S.C. 553(d)(3) also applies to OSMRE’s decision to make this action to extend the effective date effective immediately.

David Berry,

Regional Director, Unified Regions 5, 7–11.

[FR Doc. 2025–02592 Filed 2–11–25; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2025–0128]

RIN 1625–AA00

Safety Zone; Potomac River, District of Columbia

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for waters between the 14th Street Bridge to the north and the Woodrow Wilson Bridge to the south. The safety zone is needed to protect the public and vessels from potential hazards created by an aircraft collision on the Potomac River. Additionally, the safety zone is needed to ensure a safe working environment for the first responders and dive teams from passing traffic. This rule will prohibit persons or vessels from entering this zone unless specifically authorized by the Captain of the Port (COTP) Sector Maryland-National Capital Region (NCR) or a designated representative.

DATES: This rule is effective from February 7, 2025, to February 21, 2025. For purposes of enforcement, actual notice will be used.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2025–0128 in the search box and click “Search.” Next, in the Document Type column, select “Supporting & Related Material.”

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LCDR Kate Newkirk, Sector Maryland-NCR, Waterways Management Branch, U.S. Coast Guard; 410–365–8141, MDNCRWaterways@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

On January 29, 2025, at approximately 9:00 p.m., a regional jet collided midair with a Black Hawk helicopter and landed in the Potomac River near

Reagan Washington National Airport. Search and rescue and salvage operations involving first responders began shortly following the accident.

The Coast Guard is issuing this temporary rule under authority in 5 U.S.C. 553(b)(B). This statutory provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” The Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because immediate action is necessary due to the urgency of the emergency situation and the need to protect personnel, vessels, and the marine environment from potential hazards associated with salvage operations including debris, jet fuel, cold temperatures, and response equipment and vessels. It is impracticable to publish an NPRM because we must establish this safety zone immediately on February 7, 2025.

Also, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable and contrary to the public interest because immediate action is necessary to ensure the safety of vessels and persons on these navigable waters during the emergency salvage operation.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under the authority in 46 U.S.C. 70034. The COTP Sector Maryland-NCR has determined that potential hazards associated with this rescue and salvage operation starting on February 7, 2025, will be a safety concern for anyone between the 14th Street Bridge and the Woodrow Wilson Bridge. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone from potential hazards while the vessel salvage operations are being conducted.

IV. Discussion of the Rule

This rule establishes a safety zone from February 7, 2025, through February 21, 2025. The safety zone will cover all navigable waters between the 14th Street Bridge, 38°52.45' N, 077°02.6' W to 38°52.62' N, 077°02.28' W and the Woodrow Wilson Bridge, from 38°51.5' N, 077°01.53' W to 38°48.55' N, 077°01.59' W, on the Potomac River. This rule is necessary to protect personnel, vessels, and the marine environment in these navigable

waters during salvage operation. This rule will prohibit persons or vessels from entering this zone unless specifically authorized by the COTP or a designated representative.

The COTP or a designated representative may forbid and control the movement of all vessels in the zone. When hailed or signaled by an official patrol vessel, a vessel shall come to an immediate stop and comply with the directions given. Failure to do so may result in expulsion from the zone, citation for failure to comply, or both.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on size, location, and duration of the temporary safety zone. This safety zone would take place on a relatively small area of the Potomac River lasting from February 7, 2025, through February 21, 2025. Additionally, the Coast Guard would issue Broadcast Notices to Mariners via VHF-FM marine channel 16 announcing the safety zone so that waterway users may plan accordingly for transits during this restriction, and the rule will allow vessels to seek permission from the COTP Maryland-NCR or a designated representative to enter the zone.

B. Impact on Small Entities

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

significant economic impact on a substantial number of small entities.

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a temporary safety zone on the Potomac River lasting less than 7 days that will prohibit entry into a portion of the Potomac River near Washington, DC. This is necessary to respond to the potential safety hazards associated with the salvage of an aircraft collision. It is categorically excluded from further review under paragraph L60(c) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 46 U.S.C. 70034, 70051; 33 CFR 1.05–1; 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1, Revision No. 01.3.

■ 2. Add § 165.T05–0128 to read as follows:

§ 165.T05–0128 Safety Zone Potomac River, District of Columbia.

(a) *Location.* The following area is a safety zone: all navigable waters between the 14th Street Bridge, from 38°52.45′ N, 077°02.6′ W to 38°52.62′ N, 077°02.28′ W to the Woodrow Wilson Bridge, from 38°51.5′ N, 077°01.53′ W to 38°48.55′ N, 077°01.59′ W, on the Potomac River.

(b) *Enforcement period.* This section is effective from February 7, 2025, through February 21, 2025.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23, entry into, transiting through, or exiting from this area is prohibited unless authorized by the COTP Maryland-NCR or a designated representative.

(2) Vessels desiring to transit the regulated area may do so only with prior approval of the COTP Maryland-NCR or a designated representative and when so directed will be operated at a minimum safe navigation speed in a manner that will not endanger salvage operations in the zone or any other vessels.

(3) The COTP Maryland-NCR or a designated representative may forbid and control the movement of all vessels in the regulated area. When hailed or signaled by an official patrol vessel, a vessel shall come to an immediate stop and comply with the directions given. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(4) Entry into this zone is prohibited unless authorized by the COTP Maryland-NCR or a designated representative.

(5) Persons or vessels seeking to enter or transit through the zone must request permission from the COTP Maryland-NCR or a designated representative. They may be contacted on VHF–FM channel 16 or by telephone at 410–576–2693.

(6) If permission is granted, all persons and vessels must comply with the instructions of the COTP Maryland-NCR or designated representative.

(d) *Informational broadcasts.* The COTP Maryland-NCR or a designated representative will inform the public through Broadcast Notices to Mariners of the enforcement period for the

temporary safety zone as well as any changes in the planned schedule.

Dated: February 6, 2025.

Patrick C. Burkett,

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

[FR Doc. 2025–02578 Filed 2–12–25; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

[NPS–GLCA–NPS39540; NPS–2024–0005; PPIMGLCAA0.PPMPAS1Z.Y00000–255P10361]

RIN 1024–AE91

Glen Canyon National Recreation Area; Motor Vehicles; Delay of Effective Date

AGENCY: National Park Service, Interior.

ACTION: Final rule; delay of effective date.

SUMMARY: In accordance with the memorandum of January 20, 2025, from President Donald J. Trump, entitled “Regulatory Freeze Pending Review,” this action temporarily delays the effective date of a rule published on January 13, 2025, until March 21, 2025.

DATES: As of February 11, 2025, the effective date of the final rule amending 36 CFR part 7 published at 90 FR 2621, January 13, 2025, is delayed to March 21, 2025.

FOR FURTHER INFORMATION CONTACT: Michelle Kerns, Superintendent, Glen Canyon National Recreation Area, P.O. Box 1507, Page, Arizona 86040, by phone at 928–608–6210, or by email at GLCA_Superintendent@nps.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 National Park Service (NPS) is taking this action in response to the memorandum of January 20, 2025, from the President, entitled “Regulatory Freeze Pending Review.” The memorandum directed the heads of Executive Departments and Agencies to consider postponing for 60 days from the date of the memorandum the effective date for any rules that have

been published in the **Federal Register** but had not yet taken effect for the purpose of reviewing any questions of fact, law, and policy that the rules may raise. The NPS has determined the Glen Canyon National Recreation Area; Motor Vehicles final rule meets the criteria for delaying the effective date. The new effective date for this regulation is March 21, 2025.

The NPS is taking this action, without opportunity for public comment and effective immediately, based on the good cause exceptions in 5 U.S.C. 553(b)(B) and 553(d)(3), in that seeking public comment is impracticable, unnecessary, and contrary to the public interest. The temporary delay in effective date until March 21, 2025, is

necessary to give Agency officials the opportunity for further review and consideration of new regulations, consistent with the memorandum of the President dated January 20, 2025. Given the imminence of the effective date of this regulation, seeking prior public comment on this temporary delay is impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations.

For the foregoing reasons, the good cause exception in 5 U.S.C. 553(d)(3) also applies to NPS's decision to make this action effective immediately. Moreover, to the extent that extending the effective date of this rule would grant an exception or relieve a

restriction, an exception also applies under 5 U.S.C. 553(d)(1).

Where appropriate, the Agency may consider further delaying the effective date of the above-referenced regulations beyond March 21, 2025. If the Agency were to do so, consistent with the memorandum of the President, the Agency would consider whether to propose any later effective date for public comment.

Maureen D. Foster,

Chief of Staff, Exercising the Delegated Authority of the Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2025-02659 Filed 2-11-25; 4:15 pm]

BILLING CODE 4312-52-P

Proposed Rules

Federal Register

Vol. 90, No. 29

Thursday, February 13, 2025

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.

FARM CREDIT ADMINISTRATION

12 CFR Parts 620 and 630

RIN 3052-AD56

Internal Control Over Financial Reporting

AGENCY: Farm Credit Administration.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The Farm Credit Administration (FCA or we) extends the comment period on its proposed rule that would revise FCA regulations to require certain Farm Credit System institutions to obtain integrated audits under certain conditions. FCA is reopening the comment period.

DATES: The comment period for the proposed rule published on November 29, 2024 (89 FR 94615), is reopened. Comments are due Monday, March 31, 2025.

ADDRESSES: For accuracy and efficiency, please submit comments by email or through FCA's website. We do not accept comments submitted by fax because faxes are difficult to process. Also, please do not submit comments multiple times; submit your comment only once, using one of the following methods:

- Send an email to reg-comm@fca.gov.
- Use the public comment form on our website:

1. Go to <https://www.fca.gov>.
2. Click inside the "I want to . . ." field near the top of the page.
3. Select "comment on a pending regulation" from the dropdown menu.
4. Click "Go." This takes you to the comment form.

- Send the comment by mail to the following: Autumn R. Agans, Deputy Director, Office of Regulatory Policy, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090

We post all comments on the FCA website. We will show your comments as submitted, including any supporting information; however, for technical

reasons, we may omit items such as logos and special characters. Personal information that you provide, such as phone numbers and addresses, will be publicly available. However, we will attempt to remove email addresses to help reduce internet spam.

To review comments on our website, go to <https://www.fca.gov> and follow these steps:

1. Click inside the "I want to . . ." field near the top of the page.
2. Select "find comments on a pending regulation" from the dropdown menu.
3. Click "Go." This will take you to a list of regulatory projects.
4. Select the project in which you're interested. If we have received comments on that project, you will see a list of links to the individual comments.

You may also review comments at the FCA office in McLean, Virginia. Please call us at (703) 883-4056 or email us at reg-comm@fca.gov to make an appointment.

FOR FURTHER INFORMATION CONTACT:

Technical information: Aaron M. Livernois, Senior Policy Accountant, Office of Regulatory Policy, Farm Credit Administration, McLean, VA 22102-5090, (703) 883-4414, TTY (703) 883-4056.

Legal information: Andra Grossman, Attorney Advisor, Office of General Counsel, Farm Credit Administration, McLean, VA 22102-5090, (703) 883-4323, TTY (703) 883-4056.

SUPPLEMENTARY INFORMATION: On November 29, 2024, FCA published a proposed rule in the **Federal Register** that would amend FCA regulations 12 CFR 620.3 and 630.5.¹ The proposed amendments would require all Farm Credit System (System) banks to obtain an audit of their Internal Control Over Financial Reporting (ICFR) that would be integrated with the audit of their financial statements (integrated audit). The proposed amendments would also require System associations to obtain an integrated audit under certain conditions.

The comment period expired on January 28, 2025. The Farm Credit Council, on behalf of Farm Credit institutions, requested more time for comments and specifically asked for an additional 60 days. In response to this

request, FCA reopens the comment period until March 31, 2025, so interested parties will have additional time to provide comments on the proposed rule.

(Authority: Secs. 4.3, 4.3A, 4.19, 5.9, 5.17, 5.19 of the Farm Credit Act (12 U.S.C. 2154, 2154a, 2207, 2243, 2252, 2254); sec. 424, Pub. L. 100-233, 101 Stat. 1568, 1656 (12 U.S.C. 2252 note); sec. 514, Pub. L. 102-552, 106 Stat. 4102, 4134.)

Dated: December 30, 2024.

Ashley Waldron,

Secretary to the Board, Farm Credit Administration.

[FR Doc. 2024-31573 Filed 2-12-25; 8:45 am]

BILLING CODE 6705-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2025-0200; Project Identifier MCAI-2024-00627-T]

RIN 2120-AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Airbus SAS Model A330-200, A330-200 Freighter, A330-300, A330-800, and A330-900 series airplanes. This proposed AD was prompted by an incorrect shot peening application being implemented in production starting from 2008. This proposed AD would require repetitive detailed inspections (DET) of certain splice fittings and, depending on findings, repair, 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 March 31, 2025.

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

¹ 89 FR 94615 (November 29, 2024).

- *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–2025–0200; 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 EASA material identified in this proposed AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; website easa.europa.eu. You may find this material on the EASA website at ad.easa.europa.eu. It is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2025–0200.

- 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: Dan Rodina, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3225; email dan.rodina@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include “Docket No. FAA–2025–0200; Project Identifier MCAI–2024–00627–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 Dan Rodina, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3225; email dan.rodina@faa.gov. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2024–0200, dated October 21, 2024 (EASA AD 2024–0200) (also referred to as the MCAI), to correct an unsafe condition for certain Airbus SAS Model A330–200, A330–200 Freighter, A330–800, and A330–900 series airplanes; and Model A330–301, –302, –303, –321, –322, –323, –341, –342, –343, and –743L airplanes. Model A330–743L airplanes are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this proposed AD therefore does not include those airplanes in the applicability. The MCAI states that an incorrect shot peening application has been implemented in production starting from 2008. Fatigue life of affected parts (certain splice fittings) can consequently be lower than the certified value. This condition, if not detected and corrected, could adversely affect the structural integrity of the airplane.

The FAA is proposing this AD to address the unsafe condition on these products. You may examine the MCAI

in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2025–0200.

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2024–0200 specifies procedures for repetitive DET of affected parts (splice fittings at the front windshield side post, on left-hand (LH) and right-hand (RH) sides, having part number (P/N) F531–23024–200 and P/N F531–23024–201, respectively) for cracking, and depending on findings, repairing cracking. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA’s Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2024–0200 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA’s ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2024–0200 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2024–0200 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 2024–0200 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 2024–0200.

Material required by EASA AD 2024–0200 for compliance will be available at *regulations.gov* under Docket No. FAA–2025–0200 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 58 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

| Labor cost | Parts cost | Cost per product | Cost on U.S. operators |
|--------------------------------------------|------------|------------------|------------------------|
| 5 work-hours × \$85 per hour = \$425 | \$0 | \$425 | \$24,650 |

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

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Would not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus SAS: Docket No. FAA–2025–0200; Project Identifier MCAI–2024–00627–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by March 31, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus SAS Airplanes identified in paragraph (c)(1) through (5) of this AD, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2024–0200, dated October 21, 2024 (EASA AD 2024–0200).

- (1) Model A330–201, –202, –203, –223, and –243 airplanes.
- (2) Model A330–223F and –243F airplanes.
- (3) Model A330–301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes.
- (4) Model A330–841 airplanes.
- (5) Model A330–941 airplanes

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by an incorrect shot peening application being implemented in production starting in 2008. The FAA is issuing this AD to address this condition, which if not detected and corrected, could adversely affect the structural integrity of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2024–0200.

(h) Exceptions to EASA AD 2024–0200

(1) Where EASA AD 2024–0200 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where paragraph (2) of EASA AD 2024–0200 specifies “if any crack is found on an affected part, before next flight, contact Airbus for repair instructions and, within the compliance time specified in those instructions, accomplish those instructions accordingly.” this AD requires replacing that text with “if any cracking is detected, the cracking must be repaired before further flight using a method approved by the Manager, AIR–520, Continued Operational Safety Branch, FAA; or EASA; or Airbus SAS’s EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.”

(3) This AD does not adopt the “Remarks” section of EASA AD 2024–0200.

(i) Additional AD Provisions

The following provisions also apply to this AD:

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

inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, AIR-520, Continued Operational Safety Branch, FAA; or EASA; or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* Except as required by paragraph (i)(2) of this AD, if any material contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(j) Additional Information

For more information about this AD, contact Dan Rodina, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone 206-231-3225; email dan.rodina@faa.gov.

(k) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2024-0200, dated October 21, 2024.

(ii) [Reserved]

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

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

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

Issued on February 6, 2025.

John P. Piccola, Jr.,

Director, Integrated Certificate Management Division, Aircraft Certification Service.

[FR Doc. 2025-02506 Filed 2-12-25; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2024-1702; Project Identifier MCAI-2024-00067-T]

RIN 2120-AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (SNPRM).

SUMMARY: The FAA is revising a notice of proposed rulemaking (NPRM) to supersede Airworthiness Directive (AD) 2021-25-14, which applies to all Airbus SAS Model A319-111, -112, -113, -114, -115, -131, -132, and -133 airplanes; Model A320-211, -212, -214, -216, -231, -232, and -233 airplanes; and Model A321-111, -112, -131, -211, -212, -213, -231, and -232 airplanes. This action revises the NPRM by adding a prohibition against accomplishing a repair using certain structural repair manual (SRM) tasks. The FAA is proposing this AD to address the unsafe condition on these products. Since these actions would impose an additional burden over those in the NPRM, the FAA is requesting comments on this SNPRM.

DATES: The FAA must receive comments on this SNPRM by March 31, 2025.

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-2024-1702; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains the NPRM, this SNPRM, 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 European Union Aviation Safety Agency (EASA) material identified in this SNPRM, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; website easa.europa.eu. You may find this material on the EASA website at ad.easa.europa.eu. It is also available at regulations.gov under Docket No. FAA-2024-1702.

- 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:

Timothy Dowling, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 817-222-5102; email: Timothy.P.Dowling@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2024-1702; Project Identifier MCAI-2024-00067-T" at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this SNPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this SNPRM, it is important that you clearly designate the

submitted comments as CBI. Please mark each page of your submission containing CBI as "PROPIN." The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this SNPRM. Submissions containing CBI should be sent to Timothy Dowling, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 817-222-5102; email: Timothy.P.Dowling@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

The FAA issued an NPRM to amend 14 CFR part 39 by adding an AD to supersede AD 2021-25-14, Amendment 39-21858 (86 FR 72171, December 21, 2021) (AD 2021-25-14), that would apply to all Airbus SAS Model A319-111, -112, -113, -114, -115, -131, -132, -133, 151N, -153N, and -171N airplanes; Model A320-211, -212, -214, -216, -231, -232, -233, -251N, -252N, -253N, -271N, -272N, and -273N airplanes; and Model A321-211, -212, -213, -231, -232, -251N, -251NX, -252N, -252NX, -253N, -253NX, -271N, -271NX, -272N, and -272NX airplanes. The NPRM published in the **Federal Register** on July 3, 2024 (89 FR 55123). The NPRM was prompted by AD 2024-0027, dated January 25, 2024 (EASA AD 2024-0027), issued by EASA, which is the Technical Agent for the Member States of the European Union. EASA AD 2024-0027 stated new investigation results highlighted that inspections must be applied to all models of A319, A320 and A321 airplanes in an affected configuration, and the associated compliance time must be adapted to these configurations. It was determined that fatigue cracking may occur in affected areas on airplanes having Sharklets installed during production or in service. This condition, if not detected and corrected, could lead to crack initiation and propagation, possibly resulting in reduced structural integrity of the wings.

In the NPRM, the FAA proposed to continue to require the actions in AD 2021-25-14 and to require expanding the applicability to include new engine option (NEO) airplanes and accomplishment of the required actions within updated compliance times, as applicable to airplane configuration.

Actions Since the NPRM Was Issued

Since the FAA issued the NPRM, EASA superseded EASA AD 2024-0027 and issued EASA AD 2024-0230, dated December 2, 2024 (EASA AD 2024-

0230) (also referred to as the MCAI), to correct an unsafe condition for all Airbus SAS Model A319-111, -112, -113, -114, -115, -131, -132, -133, -151N, -153N, and -171N airplanes; Model A320-211, -212, -214, -215, -216, -231, -232, -233, -251N, -252N, -253N, -271N, -272N, and -273N airplanes; and Model A321-211, -212, -213, -231, -232, -251N, -251NX, -252N, -252NX, -253N, -253NX, -271N, -271NX, -272N, and -272NX airplanes. Model A320-215 airplanes are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this proposed AD therefore does not include those airplanes in the applicability. The MCAI states that since AD 2024-0027 was issued, it was identified that Airbus published certain SRM tasks at revision dated May 2024, removing instructions linked to steps 2 to 9 and aligning the compliance time with the EASA AD 2024-0027 for all the related SRM tasks. In addition, SRM tasks 57-21-11-300-010, 57-21-11-300-021 and 57-21-11-300-025 were deactivated at revision dated August 2023, and should no longer be used.

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

You may examine the MCAI in the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2024-1702.

Comments

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

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

Request To Add Exceptions

Delta requested the inclusion of an exception in paragraph (h) of the final rule to correct the meaning of "Steps 2 to 9" as stated in paragraph (5) of EASA AD 2024-0027. Delta stated the meaning of "Steps 2 to 9" in paragraph (5) is not readily evident due to a conflict between the note included in paragraph (5) of EASA AD 2024-0027 and later revisions of Airbus A319-A320-A321 SRM, which has had the bushing oversize step numbering deleted from the referenced SRM repair.

Delta also requested the inclusion of an exception paragraph in the final rule of allowing operators with A321-200 (CEO [current engine option]) aircraft and A321-200 (NEO ACF [advanced cabin flex]) aircraft, as defined in Appendix 1, Table 1 and Table 2 of EASA AD 2024-0027, to omit the

requirements to accomplish certain post-repair inspections at the compliance times specified in paragraph (6) of EASA AD 2024-0027, rather than those in the SRM. Delta stated Airbus adjusted the thresholds and intervals for post-repair inspections to match the compliance times specified in paragraph (6) of EASA AD 2024-0027 in the recent SRM Revision 27, SRM Task 57-21-11-300-009.

Delta also requested the inclusion of an exception in paragraph (h) of the final rule to clarify and correct the meaning of "Step 1" in paragraph (7) of EASA AD 2024-0027. Delta stated that the meaning of "Step 1" is unclear due to a conflict between the note after paragraph (5) of EASA AD 2024-0027, and later revisions of the SRM, which have the bushing oversize step numbering deleted from the applicable figure.

The FAA disagrees with the request to add exceptions because EASA AD 2024-0230 supersedes EASA AD 2024-0027 and addresses Delta's concerns by clarifying the requirements that were specified in paragraphs (5), (6), and (7) of EASA AD 2024-0027. EASA AD 2024-0230 adds Note 1 to paragraph (5) of EASA AD 2024-0230 to clarify which SRMs included steps 2 to 9 for bushing installation. EASA AD 2024-0230 also clarifies the affected airplanes for paragraph (6) of EASA AD 2024-0230 and removes reference to "Step 1" from paragraph (7) of EASA AD 2024-0230. The FAA has not changed this AD in this regard.

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2024-0230 specifies procedures for repetitive detailed inspections (DET) for cracks of the affected areas (left-hand and right-hand wing manhole access panel attachment holes in the bottom wing skin panels 2, between rib 13 and rib 23), and applicable corrective actions (*i.e.*, repair). EASA AD 2024-0230 also prohibits accomplishing a repair using certain SRM tasks. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

This product has been approved by the aviation authority of another country and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA

is issuing this SNPRM after determining that the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Certain changes described above expand the scope of the NPRM. As a result, it is necessary to reopen the comment period to provide additional opportunity for the public to comment on this SNPRM.

Proposed AD Requirements in This SNPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2024–0230 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA’s ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2024–0230 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2024–0230 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 2024–0230 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 2024–0230. Material required by EASA AD 2024–0230 for compliance will be available at *regulations.gov* under Docket No. FAA–2024–1702 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 1,650 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

| Labor cost | Parts cost | Cost per product | Cost on U.S. operators |
|-----------------------------------------------|------------|------------------|------------------------|
| 14 work-hours × \$85 per hour = \$1,190 | \$0 | \$1,190 | \$1,963,500 |

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

responsibilities among the various levels of government.

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

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Would not affect intrastate aviation in Alaska, and
- (3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by:
 - a. Removing Airworthiness (AD) 2021–25–14, Amendment 39–21858 (86 FR 72171, December 21, 2021); and
 - b. Adding the following new AD:

Airbus SAS: Docket No. FAA–2024–1702; Project Identifier MCAI–2024–00067–T. (a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by March 31, 2025.

(b) Affected ADs

This AD replaces AD 2021–25–14, Amendment 39–21858 86 FR 72171, December 21, 2021 (AD 2021–25–14).

(c) Applicability

This AD applies to all Airbus SAS airplanes identified in paragraphs (c)(1) through (3) of this AD and certificated in any category.

(1) Model A319–111, –112, –113, –114, –115, –131, –132, –133, –151N, –153N, and –171N airplanes.

(2) Model A320–211, –212, –214, –216, –231, –232, –233, –251N, –252N, –253N, –271N, –272N, and –273N airplanes.

(3) Model A321–211, –212, –213, –231, –232, –251N, –251NX, –252N, –252NX, –253N, –253NX, –271N, –271NX, –272N, and –272NX airplanes.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a determination that fatigue cracking may occur at the left-hand and right-hand wing manhole access panel attachment holes in the bottom wing skin panels 2, between rib 13 and rib 23, on airplanes with Sharklets or their structural reinforcements installed. This AD was also prompted by a determination that additional airplanes are subject to the unsafe condition, and that certain structural repair manual

(SRM) tasks should not be used to accomplish repairs. The FAA is issuing this AD to address fatigue cracking that may occur in affected areas on airplanes having Sharklets installed during production or in service. The unsafe condition, if not addressed, could result in crack initiation and propagation, possibly resulting in reduced structural integrity of the wings.

(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 2024–0230, dated December 2, 2024 (EASA AD 2024–0230).

(h) Exceptions to EASA AD 2024–0230

(1) Where EASA AD 2024–0230 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2024–0230 refers to February 8, 2024 (the effective date of EASA AD 2024–0027 dated January 25, 2024), this AD requires using the effective date of this AD.

(3) Where paragraph (2) of EASA AD 2024–0230 specifies “any finding is detected as defined in the [Alert Operators Transmission] AOT, before next flight, contact Airbus for approved repair instructions and, within the compliance time specified therein, accomplish those instructions accordingly,” this AD requires replacing that text with “any cracking is detected, the cracking must be repaired before further flight using a method approved by the Manager, AIR–520, Continued Operational Safety Branch, FAA; or EASA; or Airbus SAS’s EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.”

(4) This AD does not adopt the requirements of paragraph (4) of EASA AD 2024–0230.

(5) This AD does not adopt the “Remarks” section of EASA AD 2024–0230.

(i) No Reporting Requirement

Although the material referenced in EASA AD 2024–0230 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Additional AD Provisions

The following provisions also apply to this AD:

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

AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer*: For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, AIR–520, Continued Operational Safety Branch, FAA; or EASA; or Airbus SAS’s EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC)*: Except as required by paragraphs (i) and (j)(2) of this AD, if any material referenced in EASA AD 2024–0230 contains paragraphs that are labeled as RC, the instructions in RC paragraphs, including subparagraphs under an RC paragraph, must be done to comply with this AD; any paragraphs, including subparagraphs under those paragraphs, that are not identified as RC are recommended. The instructions in paragraphs, including subparagraphs under those paragraphs, not identified as RC may be deviated from using accepted methods in accordance with the operator’s maintenance or inspection program without obtaining approval of an AMOC, provided the instructions identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to instructions identified as RC require approval of an AMOC.

(k) Additional Information

For more information about this AD, contact Timothy Dowling, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 817–222–5102; email: Timothy.P.Dowling@faa.gov.

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2024–0230, dated December 2, 2024.

(ii) [Reserved]

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

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

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

Issued on February 7, 2025.

John P. Piccola, Jr.,

Director, Integrated Certificate Management Division, Aircraft Certification Service.

[FR Doc. 2025–02572 Filed 2–12–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–0199; Project Identifier MCAI–2024–00332–T]

RIN 2120–AA64

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes. This proposed AD was prompted by certification testing that found that environmental control system (ECS) ducts manufactured using a certain material failed the flammability test requirements established for compliance. This proposed AD would require inspecting the affected ECS ducts and, as applicable, installing a fire-resistant sleeve assembly over any non-compliant ECS duct, and prohibit the installation of ECS ducts as replacement parts under certain conditions, as specified in a Transport Canada AD, which is proposed for incorporation by reference (IBR). The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by March 31, 2025.

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–2025–0199; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For Transport Canada material identified in this proposed AD, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888–663–3639; email *TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca*; website *tc.canada.ca/en/aviation*. It is also available at *regulations.gov* under Docket No. FAA–2025–0199.
- 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: Brenda Buitrago Perez, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone 516–228–7368; email *brenda.l.buitrago.perez@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include “Docket No. FAA–2025–0199; Project Identifier MCAI–2024–00332–T” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Brenda Buitrago Perez, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone 516–228–7368; email *brenda.l.buitrago.perez@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

Transport Canada, which is the aviation authority for Canada, has issued Transport Canada AD CF–2024–21, dated June 20, 2024 (Transport Canada AD CF–2024–21) (also referred to as the MCAI), to correct an unsafe condition for certain Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes. The MCAI states that ECS ducts, located on forward and aft cargo compartment ceiling panels, having part numbers (P/Ns) D761189–105, D761189–501, and D762232–509, have been manufactured using material APF1180–7781, which replaced discontinued legacy material Solvay L591PG–7781. The material change to APF1180–7781 was done without changing the ECS duct part number. Subsequent certification testing of the ECS ducts made using material APF1180–7781 failed flammability test requirements. These noncompliant ECS ducts may have been installed on certain affected airplanes during production. Noncompliant ECS ducts could result in the inability to contain a fire within the cargo compartment, which could result in an uncontrolled fire.

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

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2025–0199.

Material Incorporated by Reference Under 1 CFR Part 51

Transport Canada AD CF–2024–21 specifies procedures for inspecting to determine the lot numbers of affected ECS ducts and installing a fire-resistant sleeve assembly over any non-compliant ECS duct. Transport Canada AD CF–2024–21 also prohibits the installation of ECS ducts as replacement parts under certain conditions. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA’s Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in Transport Canada AD CF–2024–21 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA’s ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate Transport Canada AD CF–2024–21 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with Transport Canada AD CF–2024–21 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Material required by Transport Canada AD CF–2024–21 for compliance will be available at *regulations.gov* under Docket No. FAA–2025–0199 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 11

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

ESTIMATED COSTS FOR REQUIRED ACTIONS

| Labor cost | Parts cost | Cost per product | Cost on U.S. operators |
|-----------------------------------------------|------------|------------------|------------------------|
| 12 work-hours × \$85 per hour = \$1,020 | \$0 | \$1,020 | \$11,220 |

The FAA estimates the following costs to do any necessary on-condition actions that would be required based on

the results of any required actions. The FAA has no way of determining the

number of aircraft that might need these on-condition actions:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

| Labor cost | Parts cost | Cost per product |
|--------------------------------------------|------------|------------------|
| 2 work-hours × \$85 per hour = \$170 | (*) | *\$170 |

* The FAA has received no definitive data on which to base the cost estimates for the parts cost specified in this proposed AD.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Would not affect intrastate aviation in Alaska, and
- (3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

- 1. The authority citation for part 39 continues to read as follows:
Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

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

Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.): Docket No. FAA–2025–0199; Project Identifier MCAI–2024–00332–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by March 31, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Canada Limited Partnership Model BD–500–1A10 and BD–500–1A11 airplanes, certificated in any category, as identified in Transport Canada AD CF–2024–21, dated June 20, 2024 (Transport Canada AD CF–2024–21).

(d) Subject

Air Transport Association (ATA) of America Code 25, Equipment/furnishings.

(e) Unsafe Condition

This AD was prompted by certification testing that found that environmental control system (ECS) ducts manufactured using material APF1180–7781 failed the flammability test requirements established for compliance. The FAA is issuing this AD to address noncompliant ECS ducts that could cause an inability to contain a fire within the cargo compartment. The unsafe condition, if not addressed, could result in an uncontrolled fire.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, Transport Canada AD CF–2024–21.

(h) Exception to Transport Canada AD CF–2024–21

- (1) Where Transport Canada AD CF–2024–21 refers to its effective date, this AD requires using the effective date of this AD.
- (2) Where Transport Canada AD CF–2024–21 refers to hours air time, this AD requires using flight hours.

(i) Additional AD Provisions

The following provisions also apply to this AD:

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

(2) *Contacting the Manufacturer*: For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, AIR-520, Continued Operational Safety Branch, FAA; or Transport Canada; or Airbus Canada Limited Partnership's Transport Canada Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(3) *Required for Compliance (RC)*: Except as required by paragraph (i)(2) of this AD, if any material contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(j) Additional Information

For more information about this AD, contact Brenda Buitrago Perez, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone 516-228-7368; email brenda.l.buitrago.perez@faa.gov.

(k) Material Incorporated by Reference

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

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

(i) Transport Canada AD CF-2024-21, dated June 20, 2024.

(ii) [Reserved]

(3) For Transport Canada material identified in this AD, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888-663-3639; email TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca; website tc.canada.ca/en/aviation.

(4) You may view this material at the FAA, Airworthiness Products Section, Operational

Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195.

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

Issued on February 6, 2025.

John P. Piccola, Jr.,

Director, Integrated Certificate Management Division, Aircraft Certification Service.

[FR Doc. 2025-02505 Filed 2-12-25; 8:45 am]

BILLING CODE 4910-13-P

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

[Docket No. FAA-2025-0201; Project Identifier MCAI-2024-00361-T]

RIN 2120-AA64

Airworthiness Directives; ATR—GIE Avions de Transport Régional Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2023-10-08, which applies to all ATR—GIE Avions de Transport Régional Model ATR42-200, ATR42-300, and ATR42-320 airplanes. AD 2023-10-08 requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. Since the FAA issued AD 2023-10-08, the FAA has determined that new or more restrictive airworthiness limitations are necessary. This proposed AD would continue to require certain actions in AD 2023-10-08 and would require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, as specified in a European Union Aviation Safety Agency (EASA) AD, which is 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 March 31, 2025.

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-2025-0201; 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 EASA material identified in this proposed AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; website easa.europa.eu. You may find this material on the EASA website at ad.easa.europa.eu. It is also available at regulations.gov under Docket No. FAA-2025-0201.

- 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:

Shahram Daneshmandi, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone 206-231-3220; email shahram.daneshmandi@faa.gov.

SUPPLEMENTARY INFORMATION:**Comments Invited**

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2025-0201; Project Identifier MCAI-2024-00361-T" at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other

information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *regulations.gov*, including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this NPRM.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as "PROPIN." The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Shahram Daneshmandi, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone 206-231-3220; email *shahram.daneshmandi@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

The FAA issued AD 2023-10-08, Amendment 39-22444 (88 FR 36928, June 6, 2023) (AD 2023-10-08), for all ATR—GIE Avions de Transport Régional Model ATR42-200, ATR42-300, and ATR42-320 airplanes. AD 2023-10-08 was prompted by an MCAI originated by EASA, which is the Technical Agent for the Member States of the European Union. EASA issued AD 2022-0199, dated September 26, 2022 (EASA AD 2022-0199) (which corresponds to FAA AD 2023-10-08), to correct an unsafe condition.

AD 2023-10-08 requires revising the existing maintenance or inspection program, as applicable, to incorporate additional new or more restrictive maintenance requirements and airworthiness limitations. The FAA issued AD 2023-10-08 to prevent reduced structural integrity of the airplane.

Actions Since AD 2023-10-08 Was Issued

Since the FAA issued AD 2023-10-08, EASA superseded AD 2022-0199,

dated September 26, 2022, and issued EASA AD 2024-0121, dated June 27, 2024 (EASA AD 2024-0121) (referred to after this as the MCAI), for all ATR—GIE Avions de Transport Régional Model ATR42-200, ATR42-300, and ATR42-320 airplanes. The MCAI states that new or more restrictive airworthiness limitations have been developed.

The FAA is proposing this AD to prevent reduced structural integrity of the airplane. You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA-2025-0201.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2024-0121. This material specifies new or more restrictive airworthiness limitations for airplane structures and safe life limits.

This proposed AD would also require EASA AD 2022-0199, which the Director of the Federal Register approved for incorporation by reference as of July 11, 2023 (88 FR 36928, June 6, 2023).

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

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would retain certain requirements of AD 2023-10-08. This proposed AD would also require revising the existing maintenance or inspection program, as applicable, to incorporate additional new or more restrictive airworthiness limitations, which are specified in EASA AD 2024-0121 already described, as proposed for incorporation by reference. Any differences with EASA AD 2024-0121 are identified as exceptions in the regulatory text of this AD.

This proposed AD would require revisions to certain operator maintenance documents to include new actions (*e.g.*, inspections) and Critical

Design Configuration Control Limitations (CDCCLs). Compliance with these actions and CDCCLs is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this proposed AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance (AMOC) according to paragraph (m)(1) of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to retain the IBR of EASA AD 2022-0199 and incorporate EASA AD 2024-0121 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2022-0199 and EASA AD 2024-0121 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 2022-0199 or EASA AD 2024-0121 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 proposed AD requirement is not limited to the section titled "Required Action(s) and Compliance Time(s)" in EASA AD 2022-0199 or EASA AD 2024-0121. Material required by EASA AD 2022-0199 and EASA AD 2024-0121 for compliance will be available at *regulations.gov* by searching for and locating Docket No. FAA-2025-0201 after the FAA final rule is published.

Airworthiness Limitation ADs Using the New Process

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

such as airworthiness limitation sections.

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

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

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 22 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

The FAA estimates the total cost per operator for the retained actions from AD 2023–10–08 to be \$7,650 (90 work-hours × \$85 per work-hour).

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

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

Authority for This Rulemaking

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

The FAA is issuing this rulemaking under the authority described in

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

Regulatory Findings

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:
 - a. Removing Airworthiness Directive (AD) 2023–10–08, Amendment 39–22444 (88 FR 36928, June 6, 2023); and
 - b. Adding the following new AD:

ATR—GIE Avions de Transport Régional:
Docket No. FAA–2025–0201; Project Identifier MCAI–2024–00361–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by March 31, 2025.

(b) Affected ADs

This AD replaces AD 2023–10–08, Amendment 39–22444 (88 FR 36928, June 6, 2023) (AD 2023–10–08).

(c) Applicability

This AD applies to all ATR—GIE Avions de Transport Régional Model ATR42–200, ATR42–300, and ATR42–320 airplanes, certificated in any category.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD prevent reduced structural integrity of the airplane.

(f) Compliance

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

(g) Retained Revision of the Existing Maintenance or Inspection Program, With a New Terminating Action

This paragraph restates the requirements of paragraph (j) of AD 2023–10–08, with a new terminating action. Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2022–0199, dated September 26, 2022 (EASA AD 2022–0199). Accomplishing the revision of the existing maintenance or inspection program required by paragraph (j) of this AD terminates the requirements of this paragraph.

(h) Retained Exceptions to EASA AD 2022–0199, With No Changes

This paragraph restates the exceptions specified in paragraph (k) of AD 2023–10–08, with no changes.

(1) The requirements specified in paragraph (1) and (2) of EASA AD 2022–0199 do not apply to this AD.

(2) Paragraph (3) of EASA AD 2022–0199 specifies revising “the approved AMP” within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after July 11, 2023 (the effective date of AD 2023–10–08).

(3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2022–0199 is at the applicable “limitations” and “associated thresholds” as incorporated by the requirements of paragraph (3) of EASA AD 2022–0199, or within 90 days after July 11, 2023 (the effective date of AD 2023–10–08), whichever occurs later.

(4) The provisions specified in paragraphs (4) and (5) of EASA AD 2022–0199 do not apply to this AD.

(5) This AD does not adopt the “Remarks” section of EASA AD 2022–0199.

(i) Retained Provisions for Alternative Actions, Intervals, and Critical Design Configuration Control Limitations (CDCCLs), With a New Exception

This paragraph restates the requirements of paragraph (l) of AD 2023–10–08, with a new exception. Except as required by paragraph (j) of this AD, after the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.*, inspections), intervals, and CDCCLs are allowed unless they are approved as specified in the provisions of the “Ref. Publications” section of EASA AD 2022–0199.

(j) New Revision of the Existing Maintenance or Inspection Program

Except as specified in paragraph (k) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2024–0121, dated June 27, 2024 (EASA AD 2024–0121). Accomplishing the revision of the existing maintenance or inspection program required by this paragraph terminates the requirements of paragraph (g) of this AD.

(k) Exceptions to EASA AD 2024–0121

(1) This AD does not adopt the requirements specified in paragraphs (1) and (2) of EASA AD 2024–0121.

(2) Paragraph (3) of EASA AD 2024–0121 specifies revising “the approved AMP,” within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after the effective date of this AD.

(3) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2024–0121 is at the applicable “limitations” and “associated thresholds” as incorporated by the requirements of paragraph (3) of EASA AD 2024–0121, or within 90 days after the effective date of this AD, whichever occurs later.

(4) This AD does not adopt the provisions specified in paragraphs (4) and (5) of EASA AD 2024–0121.

(5) This AD does not adopt the “Remarks” section of EASA AD 2024–0121.

(l) New Provisions for Alternative Actions, Intervals, and CDCCLs

After the existing maintenance or inspection program has been revised as required by paragraph (j) of this AD, no alternative actions (*e.g.*, inspections), intervals, and CDCCLs are allowed unless they are approved as specified in the provisions of the “Ref. Publications” section of EASA AD 2024–0121.

(m) Additional AD Provisions

The following provisions also apply to this AD:

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

(2) *Contacting the Manufacturer*: For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, AIR–520, Continued Operational Safety Branch, FAA; or EASA; or ATR—GIE Avions de Transport Régional’s EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(n) Additional Information

For more information about this AD, contact Shahram Daneshmandi, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3220; email shahram.daneshmandi@faa.gov.

(o) Material Incorporated by Reference

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

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

(3) The following material was approved for IBR on [DATE 35 DAYS AFTER PUBLICATION OF THE FINAL RULE].

(i) European Union Aviation Safety Agency (EASA) AD 2024–0121, dated June 27, 2024.

(ii) [Reserved]

(4) The following material was approved for IBR on July 11, 2023 (88 FR 36928, June 6, 2023).

(i) European Union Aviation Safety Agency (EASA) AD 2022–0199, dated September 26, 2022.

(ii) [Reserved]

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

(6) 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.

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

Issued on February 7, 2025.

Victor Wicklund,

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

[FR Doc. 2025–02525 Filed 2–12–25; 8:45 am]

BILLING CODE 4910–13–P

Notices

Federal Register

Vol. 90, No. 29

Thursday, February 13, 2025

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Tribal Advisory Committee

AGENCY: Office of Tribal Relations, USDA.

ACTION: Notice of public, virtual meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Department of Agriculture (USDA) and the Federal Advisory Committee Act (FACA), the Office of Tribal Relations is announcing a meeting of the Tribal Advisory Committee on Tuesday February 18, 2025, at 12 p.m. Eastern Standard Time. The Committee is authorized under the Agriculture Improvement Act of 2018 (the 2018 Farm Bill) and operates in compliance with the Federal Advisory Committee Act. The purpose of the Committee is to provide advice and guidance to USDA on matters related to Tribal and Indian affairs.

DATES: A virtual webinar with call-in options will take place on February 18th from 12 p.m. to 7 p.m. Eastern Standard Time with public comment going from 3 p.m. to approximately 4 p.m.

Public Comments: The public may file written comments to the Tribal Advisory Committee by February 17, 2025, via email at Tribal.Relations@usda.gov. Additional comments will be included in the public record.

ADDRESSES:

Webinar Participation Information: Registration to attend this meeting, including to provide oral public comments, is available at https://www.zoomgov.com/webinar/register/WN_J8bF0mGZT_mRfXi0qQPpPg#/registration.

FOR FURTHER INFORMATION CONTACT: General information about the Committee can be found at <https://www.usda.gov/tribalrelations/advisory-committee>. Josiah Griffin, Designated Federal Officer, by phone at 202–205–

2249 or via email at Josiah.Griffin@usda.gov. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: An agenda and more information for this meeting will be available at <https://www.usda.gov/tribalrelations/advisory-committee>. The Secretary established the Committee pursuant to Section 12303 of the Agriculture Improvement Act of 2018 (7 U.S.C. 6921(b)). The Committee is managed in accordance with the provisions of the Federal Advisory Committee Act, as amended, 5 U.S.C. 10. In addition to providing recommendations to the Secretary, the Tribal Advisory Committee is required to submit reports to the three Congressional Committees listed above.

Availability of Materials for the Meeting: All written public comments will be compiled into a binder and will be made available for review at the meeting. Duplicate comments from multiple individuals will appear as one comment, with a notation that multiple copies of the comment were received. Please visit <https://www.usda.gov/tribalrelations/advisory-committee> to learn more about the agenda for or reports resulting from this meeting.

Be advised that anyone calling into the Zoom teleconference system that is interested in providing public comment will be asked to provide their name, title, and Tribal or organizational affiliations.

Meeting Agenda: Agenda items discussed may include, but are not limited to, welcome and introductions; administrative matters; public comment; and member deliberation on a committee workplan for calendar year 2025. The full agenda will be posted on the Tribal Advisory Committee web page (<https://www.usda.gov/about-usda/general-information/staff-offices/office-tribal-relations/tribal-advisory-committee>) at least 48 hours in advance of the meeting.

Equal opportunity practices, in line with USDA policies and consistent with applicable law, will be followed in all membership appointments to the Committee. To ensure that the recommendations of the Committee have taken into account the needs of the

diverse groups served by the Department, membership shall include, to the extent practicable and consistent with applicable law, individuals with demonstrated ability to represent minorities, women, and persons with disabilities.

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the 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, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720–2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877–8339. Additionally, program information may be made available in languages other than English.

This meeting notice is being published late due to additional administrative matters of the USDA Department. USDA is an equal opportunity provider, employer, and lender.

Dated: February 10, 2025.

Cikena Reid,

Committee Management Officer, USDA.

[FR Doc. 2025–02603 Filed 2–12–25; 8:45 am]

BILLING CODE 3420–AG–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the District of Columbia Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of virtual panel briefing.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules

and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the District of Columbia Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a virtual panel briefing via Zoom. The purpose of the meeting is to discuss post-report activities on the committee's topic of accessibility and provision of special education for students with disabilities in DC public schools.

DATES: Thursday, March 6, 2025, from 12 p.m.–1 p.m. Eastern Time.

ADDRESSES: The meeting will be held via Zoom.

Registration Link (Audio/Visual):
<https://tinyurl.com/2d9n4xyt>.

Join by Phone (Audio Only): 1–833–435–1820 USA Toll Free; Webinar ID: 160 373 2377#.

FOR FURTHER INFORMATION CONTACT:

Melissa Wojnarowski, Designated Federal Officer, at mwojnarowski@usccr.gov or 1–202–618–4158.

SUPPLEMENTARY INFORMATION: This Committee meeting is available to the public through the registration link above. Any interested member of the public may attend this meeting. An open comment period will be provided to allow members of the public to make oral statements as time allows. Pursuant to the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning is available by selecting “CC” in the meeting platform. To request additional accommodations, please email ebohor@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 scheduled meeting. Written comments may be emailed to Evelyn Bohor at ebohor@usccr.gov. Persons who desire additional information may contact the Regional Programs Coordination Unit at 1–202–809–9618.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via www.facadatabase.gov under the Commission on Civil Rights, District of

Columbia Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may contact the Regional Programs Coordination Unit at ebohor@usccr.gov.

Agenda

- I. Welcome and Roll Call
- II. Approval of Minutes
- III. Post Report Discussion
- IV. Public Comment
- V. Closing Remarks
- VI. Adjourn

Dated: February 10, 2025.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2025–02608 Filed 2–12–25; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Sunshine Act Meetings

AGENCY: United States Commission on Civil Rights.

ACTION: Notice of Commission public business meeting.

DATES: Friday, February 21, 2025, 10:00 a.m. EST.

ADDRESSES: Meeting to take place in person and is open to the public.

U.S. Commission on Civil Rights, 1331 Pennsylvania Ave. NW, Suite 1150, Washington, DC 20425

It will also be livestreamed on the Commission's YouTube page: <https://www.youtube.com/user/USCCR/videos>.

FOR FURTHER INFORMATION CONTACT: Joe Kim: 202–376–7700; publicaffairs@usccr.gov.

SUPPLEMENTARY INFORMATION: In accordance with the Government in Sunshine Act (5 U.S.C. 552b), the Commission on Civil Rights is holding a meeting to discuss the Commission's business for the month of February. This business meeting is open to the public. Computer assisted real-time transcription (CART) will be provided. The web link to access CART (in English) on Friday, February 21, 2025, is <https://www.streamtext.net/player?event=USCCR>. Please note that CART is text-only translation that occurs in real time during the meeting and is not an exact transcript.

Meeting Agenda

- I. Approval of Agenda
- II. Business Meeting
 - A. Discussion and Vote on State Advisory Committee Appointments
 - Maryland
 - Michigan

- Montana
- New Jersey
- New York
- Oklahoma
- Rhode Island
- Virginia
- B. Management and Operations
 - Staff Director's Report

III. Adjourn Meeting

Dated: February 11, 2025.

David Mussatt,

USCCR Chief Regional Programs Unit.

[FR Doc. 2025–02647 Filed 2–11–25; 4:15 pm]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–5–2025]

Foreign-Trade Zone (FTZ) 205; Withdrawal of Notification of Proposed Production Activity; Rincon Power, LLC; (Contactors, Relays and Switches); Carpinteria, California

Notice is hereby given of the withdrawal of the notification of proposed production activity submitted by Rincon Power, LLC for its facility in Carpinteria, California, within FTZ 205. The notification was docketed on January 30, 2025 (90 FR 9133–9134, February 7, 2025). The withdrawal was requested by Rincon Power, LLC on February 5, 2025.

Dated: February 7, 2025.

Elizabeth Whiteman,

Executive Secretary.

[FR Doc. 2025–02550 Filed 2–12–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE551]

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico

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

ACTION: Notice of issuance of letter of authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA), as amended, its implementing regulations, and NMFS' MMPA Regulations for Taking Marine

Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico, notification is hereby given that NMFS has issued a Letter of Authorization (LOA) to TGS for the take of marine mammals incidental to geophysical survey activity in the Gulf of Mexico (GOM).

DATES: The LOA is effective from February 15, 2025 through December 31, 2025.

ADDRESSES: The LOA, LOA request, and supporting documentation are available online at: <https://www.fisheries.noaa.gov/action/incidental-take-authorization-oil-and-gas-industry-geophysical-survey-activity-gulf-mexico>. In case of problems accessing these documents, please call the contact listed below (see **FOR FURTHER INFORMATION CONTACT** section).

FOR FURTHER INFORMATION CONTACT: Jenna Harlacher, Office of Protected Resources, NMFS, (301) 427-8401.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined “negligible impact” in 50 CFR 216.103 as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

Except with respect to certain activities not pertinent here, the MMPA defines “harassment” as: any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine

mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

On January 19, 2021, we issued a final rule with regulations to govern the unintentional taking of marine mammals incidental to geophysical survey activities conducted by oil and gas industry operators, and those persons authorized to conduct activities on their behalf (collectively “industry operators”), in U.S. waters of the GOM over the course of 5 years (86 FR 5322, January 19, 2021). The rule was based on our findings that the total taking from the specified activities over the 5-year period will have a negligible impact on the affected species or stock(s) of marine mammals and will not have an unmitigable adverse impact on the availability of those species or stocks for subsistence uses, and became effective on April 19, 2021.

The regulations at 50 CFR 217.180 *et seq.* allow for the issuance of LOAs to industry operators for the incidental take of marine mammals during geophysical survey activities and prescribe the permissible methods of taking and other means of effecting the least practicable adverse impact on marine mammal species or stocks and their habitat (often referred to as mitigation), as well as requirements pertaining to the monitoring and reporting of such taking. Under 50 CFR 217.186(e), issuance of an LOA shall be based on a determination that the level of taking will be consistent with the findings made for the total taking allowable under these regulations and a determination that the amount of take authorized under the LOA is of no more than small numbers.

NMFS subsequently discovered that the 2021 rule was based on erroneous take estimates. We conducted another rulemaking using correct take estimates and other newly available and pertinent information relevant to the analyses supporting some of the findings in the 2021 final rule and the taking allowable under the regulations. We issued a final rule in April 2024, effective May 24, 2024 (89 FR 31488, April 24, 2024).

The 2024 final rule made no changes to the specified activities or the specified geographical region in which those activities would be conducted, nor to the original 5-year period of effectiveness. In consideration of the new information, the 2024 rule presented new analyses supporting affirmation of the negligible impact determinations for all species, and affirmed that the existing regulations,

which contain mitigation, monitoring, and reporting requirements, are consistent with the “least practicable adverse impact” standard of the MMPA.

Summary of Request and Analysis

TGS plans to conduct a three-dimensional (3D) ocean bottom node (OBN) survey over approximately 245 lease blocks in the Mississippi Canyon, Ewin Bank, South Timbalier, and Grand Isle-South Addition areas, with water depths ranging from approximately 50 to 1,800 m. See section F of the LOA application for a map of the area. TGS anticipates using two source vessels with a low-frequency dual barbell source known as Gemini. Please see TGS’s application for additional detail.

The Gemini source was not included in the acoustic exposure modeling developed in support of the rule. However, the Gemini was described and evaluated in support of a previous LOA and we rely on that analysis here (88 FR 72739, October 23, 2023). For additional detail regarding the source, see section C of the LOA application. Based on this information we have determined there will be no effects of a magnitude or intensity different from those evaluated in support of the rules. NMFS expects that use of modeling results supporting the final rule are expected to be conservative as a proxy for use in evaluating potential impacts of use of the Gemini.

The survey effort proposed by TGS in its LOA request was used to develop LOA-specific take estimates based on the acoustic exposure modeling results described in our rule preamble (89 FR 31488, April 24, 2024). In order to generate the appropriate take number for authorization, the following information was considered: (1) survey type; (2) location (by modeling zone¹); (3) number of days; (4) source; and (5) month.² In this case, the 4,130 in³ airgun array was selected, as its use for purposes of generating take numbers for authorization represents the least impactful airgun array (but remains conservative for use in estimating takes that are expected to result from use of the Gemini source, as discussed above). The acoustic exposure modeling performed in support of the rule provides 24-hour exposure estimates for each species, specific to each modeled

¹ For purposes of acoustic exposure modeling, the GOM was divided into seven zones. Zone 1 is not included in the geographic scope of the rule.

² Acoustic propagation modeling was performed for two seasons: winter (December–March) and summer (April–November). Marine mammal density data is generally available on a monthly basis, and therefore further refines take estimates temporally.

source and survey type in each zone and month.

No 3D OBN surveys were included in the modeled survey types, and use of existing proxies (*i.e.*, two-dimensional (2D), 3D (narrow-azimuth) NAZ, 3D (wide-azimuth) WAZ, Coil) is generally conservative for use in evaluation of 3D OBN survey effort, largely due to the greater area covered by the modeled proxies. Summary descriptions of these modeled survey geometries are available in the preamble to the 2018 proposed rule (83 FR 29212, 29220, June 22, 2018). Coil was selected as the best available proxy survey type in this case because the spatial coverage of the planned survey is most similar to the coil survey pattern. The planned OBN survey will involve two source vessels sailing along closely spaced survey lines, with daily survey area coverage of approximately 96 kilometers squared per day, less than that assumed for the coil survey proxy. Among the different parameters of the modeled survey patterns (*e.g.*, area covered, line spacing, number of sources, shot interval, total simulated pulses), NMFS considers area covered per day to be most influential on daily modeled exposures exceeding Level B harassment criteria. Although TGS is not proposing to perform a survey using the coil geometry, the coil proxy is most representative of the effort planned by TGS in terms of predicted Level B harassment exposures.

The survey will take place over approximately 83 days with 62 days of sound source operation, including 10 in zone 2 and 52 in zone 5. The monthly distribution of survey days is not known in advance, so take estimates for each species are based on the time period that produces the greatest value.

For the Rice’s whale, recent survey data, sightings, and acoustic data

support Rice’s whale occurrence in waters throughout the GOM between approximately 100 m and 400 m depth along the continental shelf break, and associated habitat-based density modeling has identified similar habitat (*i.e.*, approximately 100 to 400 m water depths along the continental shelf break) as being Rice’s whale habitat (Garrison *et al.*, 2023; Soldevilla *et al.*, 2022, 2024). NMFS’ 2024 final rule provided detailed discussion regarding Rice’s whale habitat (see, *e.g.*, 89 FR 31508, 31519).

TGS’s planned activities will overlap this depth range, with approximately 25 percent of the area expected to be ensonified by the survey above root-mean-squared pressure received levels (RMS SPL) of 160 decibel (dB) (referenced to 1 micropascal (re 1 µPa)) overlapping the 100–400 m isobaths. Therefore, there is some reasonable potential for take of Rice’s whale to occur in association with this survey. The generic acoustic exposure modeling results in one take of Rice’s whales and we have rounded that up to a group size, authorizing two Rice’s whale takes.

Based on the results of our analysis, NMFS has determined that the level of taking expected for this survey and authorized through the LOA is consistent with the findings made for the total taking allowable under the regulations. See table 1 in this notice and table 6 of the 2024 final rule (89 FR 31488, April 24, 2024).

Small Numbers Determination

Under the GOM rule, NMFS may not authorize incidental take of marine mammals in an LOA if it will exceed “small numbers.” In short, when an acceptable estimate of the individual marine mammals taken is available, if the estimated number of individual animals taken is up to, but not greater

than, one-third of the best available abundance estimate, NMFS will determine that the numbers of marine mammals taken of a species or stock are small (89 FR 31535, April 24, 2024). For more information please see NMFS’ discussion of small numbers in the 2021 final rule (86 FR 5438, January 19, 2021).

The take numbers for authorization are determined as described above in the Summary of Request and Analysis section. Subsequently, the total incidents of harassment for each species are multiplied by scalar ratios to produce a derived product that better reflects the number of individuals likely to be taken within a survey (as compared to the total number of instances of take), accounting for the likelihood that some individual marine mammals may be taken on more than 1 day (86 FR 5404, January 19, 2021; 89 FR 31535, May 24, 2024). The output of this scaling, where appropriate, is incorporated into adjusted total take estimates that are the basis for NMFS’ small numbers determinations, as depicted in table 1.

This product is used by NMFS in making the necessary small numbers determinations through comparison with the best available abundance estimates (see discussion at 86 FR 5391, January 19, 2021). For this comparison, NMFS’ approach is to use the maximum theoretical population, determined through review of current stock assessment reports (SAR; <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments>) and model-predicted abundance information (<https://seamap.env.duke.edu/models/Duke/GOM/>). Information supporting the small numbers determinations is provided in table 1.

TABLE 1—TAKE ANALYSIS

| Species | Authorized take | Scaled take ¹ | Abundance ² | Percent abundance |
|-----------------------------------|-----------------|--------------------------|------------------------|-------------------|
| Rice’s whale | 3 ² | 0.4 | 51 | 0.7 |
| Sperm whale | 466 | 197 | 3,007 | 6.6 |
| <i>Kogia</i> spp | 4 138 | 42 | 980 | 5.0 |
| Beaked whales | 1,651 | 167 | 803 | 20.8 |
| Rough-toothed dolphin | 1,290 | 370 | 4,853 | 7.6 |
| Bottlenose dolphin | 10,824 | 3,107 | 165,125 | 1.9 |
| Clymene dolphin | 762 | 219 | 4,619 | 4.7 |
| Atlantic spotted dolphin | 878 | 252 | 21,506 | 1.2 |
| Pantropical spotted dolphin | 10,192 | 2,925 | 67,225 | 4.4 |
| Spinner dolphin | 228 | 66 | 5,548 | 1.2 |
| Striped dolphin | 2,167 | 622 | 5,634 | 11.0 |
| Fraser’s dolphin | 449 | 129 | 1,665 | 7.7 |
| Risso’s dolphin | 372 | 110 | 1,974 | 5.6 |
| Blackfish ⁵ | 2,658 | 784 | 6,113 | 12.8 |
| Short-finned pilot whale | 599 | 177 | 2,741 | 6.4 |

¹ Scalar ratios were applied to “Authorized Take” values as described at 86 FR 5322, 5404 (January 19, 2021) to derive scaled take numbers shown here.

² Best abundance estimate. For most taxa, the best abundance estimate for purposes of comparison with take estimates is considered here to be the model-predicted abundance (Garrison *et al.*, 2023). For Rice's whale, Atlantic spotted dolphin, and Risso's dolphin, the larger estimated SAR abundance estimate is used.

³ Modeled take of one increased to account for potential encounter with a group of average size (Maze-Foley and Mullin, 2006).

⁴ Includes 7 takes by Level A harassment and 130 takes by Level B harassment. Scalar ratio is applied to takes by Level B harassment only; small numbers determination made on basis of scaled Level B harassment take plus authorized Level A harassment take.

⁵ The "blackfish" guild includes melon-headed whales, false killer whales, pygmy killer whales, and killer whales.

Based on the analysis contained herein of TGS's proposed survey activity described in its LOA application and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals will be taken relative to the affected species or stock sizes (*i.e.*, less than one-third of the best available abundance estimate) and therefore the taking is of no more than small numbers.

Authorization

NMFS has determined that the level of taking for this LOA request is consistent with the findings made for the total taking allowable under the incidental take regulations and that the amount of take authorized under the LOA is of no more than small numbers. Accordingly, we have issued an LOA to TGS authorizing the take of marine mammals incidental to its geophysical survey activity, as described above.

Dated: February 10, 2025.

Kimberly Damon-Randall,

*Director, Office of Protected Resources,
National Marine Fisheries Service.*

[FR Doc. 2025-02607 Filed 2-12-25; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XE620]

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico

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

ACTION: Notice of modification to expiration date of letter of authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA), as amended, its implementing regulations, and NMFS' MMPA Regulations for Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico (GOM), notification is hereby given that NMFS has modified the expiration date of a

Letter of Authorization (LOA) issued to bp Exploration and Production, Inc., (bp) for the taking of marine mammals incidental to geophysical survey activity in the GOM.

DATES: This LOA is effective through March 31, 2025.

ADDRESSES: The LOA, LOA request, and supporting documentation are available online at: <https://www.fisheries.noaa.gov/marine-mammal-protection/issued-letters-authorization-oil-and-gas-industry-geophysical-survey>.

In case of problems accessing these documents, please call the contact listed below (**FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT:

Rachel Wachtendonk, Office of Protected Resources, NMFS, (301) 427-8401.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined "negligible impact" in 50 CFR 216.103 as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

Except with respect to certain activities not pertinent here, the MMPA defines "harassment" as: any act of pursuit, torment, or annoyance which: (i) has the potential to injure a marine

mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

On January 19, 2021, we issued a final rule with regulations to govern the unintentional taking of marine mammals incidental to geophysical survey activities conducted by oil and gas industry operators, and those persons authorized to conduct activities on their behalf (collectively "industry operators"), in U.S. waters of the GOM over the course of 5 years (86 FR 5322, January 19, 2021). The rule was based on our findings that the total taking from the specified activities over the 5-year period will have a negligible impact on the affected species or stock(s) of marine mammals and will not have an unmitigable adverse impact on the availability of those species or stocks for subsistence uses. The rule became effective on April 19, 2021.

Our regulations at 50 CFR 217.180 *et seq.* allow for the issuance of LOAs to industry operators for the incidental take of marine mammals during geophysical survey activities and prescribe the permissible methods of taking and other means of effecting the least practicable adverse impact on marine mammal species or stocks and their habitat (often referred to as mitigation), as well as requirements pertaining to the monitoring and reporting of such taking. Under 50 CFR 217.186(e), issuance of an LOA shall be based on a determination that the level of taking will be consistent with the findings made for the total taking allowable under these regulations and a determination that the amount of take authorized under the LOA is of no more than small numbers.

NMFS subsequently discovered that the 2021 rule was based on erroneous take estimates. We conducted another rulemaking using correct take estimates and other newly available and pertinent information relevant to the analyses supporting some of the findings in the 2021 final rule and the taking allowable under the regulations. We issued a final rule in April 2024, effective May 24, 2024 (89 FR 31488, April 24, 2024).

The 2024 final rule made no changes to the specified activities or the specified geographical region in which those activities would be conducted, nor to the original 5-year period of effectiveness. In consideration of the new information, the 2024 rule presented new analyses supporting affirmance of the negligible impact determinations for all species, and affirmed that the existing regulations, which contain mitigation, monitoring, and reporting requirements, are consistent with the “least practicable adverse impact” standard of the MMPA.

NMFS issued a LOA to bp on September 9, 2024, for the take of marine mammals incidental to a three-dimensional (3D) ocean bottom node (OBN) survey over 325 lease blocks in the Alaminos Canyon, Garden Banks, Keathley Canyon, and East Breaks areas, effective September 9, 2024, through February 14, 2025. Please see the

Federal Register notice of issuance (89 FR 74921, September 13, 2024) for additional detail regarding the LOA and the survey activity.

Bp has requested that the February 14, 2025, expiration date be extended to March 31, 2025, as they are using only one source vessel instead of the planned two. There are no other changes to the planned survey or our earlier analyses, as described in the previous notice of LOA issuance for this survey (89 FR 74921, September 13, 2024).

Based on the results of our earlier analysis, NMFS has determined that the level of taking expected for this survey and authorized through the LOA is consistent with the findings made for the total taking allowable under the regulations. See table 1 in this notice and table 6 of the rule (89 FR 31488, April 24, 2024).

Small Numbers Determination

Under the GOM rule, NMFS may not authorize incidental take of marine mammals in an LOA if it will exceed “small numbers.” In short, when an acceptable estimate of the individual marine mammals taken is available, if the estimated number of individual animals taken is up to, but not greater than, one-third of the best available abundance estimate, NMFS will determine that the numbers of marine mammals taken of a species or stock are small (89 FR 31535, May 24, 2024). For more information please see NMFS’ discussion of small numbers in the 2021 final rule (86 FR 5438, January 19, 2021).

NMFS made its small numbers determinations in the original notice of LOA issuance for the survey (89 FR 74921, September 13, 2024) based on the information provided in table 1, which has not changed.

TABLE 1—TAKE ANALYSIS

| Species | Authorized take | Scaled take ¹ | Abundance ² | Percent abundance |
|-----------------------------------|------------------|--------------------------|------------------------|-------------------|
| Rice’s whale | 0 | n/a | 51 | n/a |
| Sperm whale | 408 | 172.5 | 3,007 | 5.7 |
| <i>Kogia</i> spp | ³ 287 | 85.3 | 980 | 10.8 |
| Beaked whales | 547 | 55.2 | 803 | 6.9 |
| Rough-toothed dolphin | 1,017 | 292.0 | 4,853 | 6.0 |
| Bottlenose dolphin | 363 | 103.4 | 165,125 | 0.1 |
| Clymene dolphin | 1,713 | 491.7 | 4,619 | 10.6 |
| Atlantic spotted dolphin | 108 | 30.9 | 21,506 | 0.1 |
| Pantropical spotted dolphin | 13,612 | 3,906.5 | 67,225 | 5.8 |
| Spinner dolphin | 185 | 52.8 | 5,548 | 1.0 |
| Striped dolphin | 4,849 | 1,391.6 | 5,634 | 24.7 |
| Fraser’s dolphin | 444 | 127.3 | 1,665 | 7.6 |
| Risso’s dolphin | 210 | 62.0 | 1,974 | 3.1 |
| Blackfish ⁴ | 3,384 | 998.4 | 6,113 | 16.3 |
| Short-finned pilot whale | 142 | 42.0 | 2,741 | 1.5 |

¹ Scalar ratios were applied to “Authorized Take” values as described at 86 FR 5322 and 86 FR 5404 (January 19, 2021) to derive scaled take numbers shown here.

² Best abundance estimate. For most taxa, the best abundance estimate for purposes of comparison with take estimates is considered here to be the model-predicted abundance (Garrison *et al.*, 2023). For Rice’s whale, Atlantic spotted dolphin, and Risso’s dolphin, the larger SAR abundance estimate is used.

³ Includes 19 takes by Level A harassment and 268 takes by Level B harassment. Scalar ratio is applied to takes by Level B harassment only; small numbers determination made on basis of scaled Level B harassment take plus authorized Level A harassment take.

⁴ The “blackfish” guild includes melon-headed whales, false killer whales, pygmy killer whales, and killer whales.

Authorization

NMFS has changed the expiration date of the LOA from February 14, 2025, to March 31, 2025. There are no other changes to the LOA as described in the September 13, 2024, **Federal Register** notice of issuance (89 FR 74921); the specified survey activity, take estimates, and small numbers analysis and determination remain unchanged and are incorporated here by reference.

Dated: February 10, 2025.

Kimberly Damon-Randall,

*Director, Office of Protected Resources,
National Marine Fisheries Service.*

[FR Doc. 2025–02581 Filed 2–12–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE666]

North Pacific Albacore United States Stakeholder Meeting; Meeting Cancelled

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

ACTION: Notice; cancellation of public meeting.

SUMMARY: On January 3, 2025, NMFS published a notice in the **Federal Register** announcing a U.S. stakeholder meeting to discuss North Pacific albacore management would be held virtually on February 20, 2025. This notice announces the cancellation of that meeting.

FOR FURTHER INFORMATION CONTACT: Emily Reynolds, Pacific Islands Regional Office, tel. 808-725-5039 or emily.reynolds@noaa.gov, or Tyler Lawson, West Coast Region Office, tel. 503-230-5421 or tyler.lawson@noaa.gov.

SUPPLEMENTARY INFORMATION: On January 3, 2025, NMFS published a notice in the **Federal Register** announcing a U.S. stakeholder meeting to discuss North Pacific albacore management would be held virtually on February 20, 2025, from 1 p.m. to 4 p.m. PST (11 a.m.–2 p.m. HST) (90 FR 307). That meeting is now cancelled.

Authority: 16 U.S.C. 951 *et seq.*, 16 U.S.C. 1801 *et seq.*, and 16 U.S.C. 6901 *et seq.*

Dated: February 10, 2025.

Karen H. Abrams,

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

[FR Doc. 2025-02580 Filed 2-12-25; 8:45 am]

BILLING CODE 3510-22-P

COMMISSION OF FINE ARTS

Notice of Meeting

Per 45 CFR 2102.3, the next meeting of the U.S. Commission of Fine Arts is scheduled for February 20, 2025, at 9 a.m. and will be held via online videoconference. Items of discussion may include buildings, infrastructure, parks, memorials, and public art.

Draft agendas, the link to register for the online public meeting, and additional information regarding the Commission are available on our website: www.cfa.gov. Inquiries regarding the agenda, as well as any public testimony, should be addressed to Thomas Luebke, Secretary, U.S. Commission of Fine Arts, at the above address; by emailing cfastaff@cfa.gov; or by calling 202-504-2200. Individuals requiring sign language interpretation for the hearing impaired should contact the Secretary at least 10 days before the meeting date.

Dated February 6, 2025, in Washington, DC.

Zakiya N. Walters,
Administrative Officer.

[FR Doc. 2025-02574 Filed 2-12-25; 8:45 am]

BILLING CODE 6330-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP22-21-000; CP22-21-001; CP22-22-000; CP22-22-001]

Notice of Availability of the Draft Supplemental Environmental Impact Statement for the Proposed Venture Global CP2 LNG, LLC and Venture Global CP Express, LLC CP2 LNG and CP Express Pipeline Projects

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared a draft supplemental environmental impact statement (EIS) to address the November 27, 2024 *Order Addressing Arguments Raised on Rehearing And Setting Aside Prior Order, In Part* (Rehearing Order) issued by the Commission for the CP2 LNG and CP Express Pipeline Project (Project), proposed by Venture Global CP2 LNG, LLC (CP2 LNG) and Venture Global CP Express, LLC (CP Express) in the above-referenced dockets.¹ CP2 LNG and CP Express request authorization to site, construct, and operate certain liquefied natural gas (LNG) facilities in Cameron Parish, Louisiana, and certain pipeline facilities in Louisiana and east Texas.

On July 28, 2023, the Commission staff issued a final EIS for the Project. On June 27, 2024, the Commission issued an *Order Granting Authorizations Under Sections 3 and 7 of the Natural Gas Act* (Authorization Order)² for the Project. On July 29, 2024, a coalition of petitioners (Petitioners)³ filed a timely request for

¹For tracking purposes, the Council on Environmental Quality unique identification number for documents relating to this environmental review is SEIS-019-20-000-1732105621. 40 CFR 1502.4(e)(10) (2024).

²FERC eLibrary accession number 20240627-3107.

³Petitioners include: A Better Bayou, Fishermen Involved in Sustaining our Heritage (FISH), Nicole Dardar, Travis Dardar, Kent Duhon, Mary Alice Nash, Jerryd Tassin, Anthony Theriot, Healthy Gulf, Louisiana Bucket Brigade, Natural Resources Defense Council, Port Arthur Community Action Network, Public Citizen, Sierra Club, Texas Campaign for the Environment, and Turtle Island Restoration Network. We note that the Commission denied FISH's late motion to intervene. *Venture Glob. CP2 LNG, LLC*, 187 FERC ¶ 61,199, at P 17 (2024) (Authorization Order), *order on reh'g*, 189 FERC ¶ 61,148, at PP 10-17 (2024) (Rehearing Order).

rehearing and motion for stay of the Authorization Order. On November 27, 2024, the Commission issued its Rehearing Order.⁴ The Rehearing Order set aside the Authorization Order, in part, regarding the Commission's analysis of the cumulative air quality impacts specific to the Project's nitrogen dioxide (NO₂) and particles with an aerodynamic diameter of less than or equal to 2.5 microns (PM_{2.5}) emissions, for the purpose of conducting additional environmental review in light of an opinion issued by the U.S. Court of Appeals for the District of Columbia Circuit.⁵ This draft supplemental EIS was prepared to assess these issues as part of the Commission's consideration of a further merits order for the Project.

The Commission mailed a copy of the *Notice of Availability* to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; and newspapers and libraries in the project area. The draft supplemental EIS is only available in electronic format. It may be viewed and downloaded from the FERC's website (www.ferc.gov), on the natural gas environmental documents page (<https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents>). In addition, the draft supplemental EIS may be accessed by using the eLibrary link on the FERC's website. Click on the eLibrary link (<https://elibrary.ferc.gov/eLibrary/search>) select "General Search" and enter the docket number in the "Docket Number" field (*i.e.* CP22-21 or CP22-22). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at FercOnlineSupport@ferc.gov or toll free at (866) 208-3676, or for TTY, contact (202) 502-8659.

The draft supplemental EIS is not a decision document. It presents Commission staff's independent analysis of the environmental issues for the Commission to consider when addressing the merits of issues in this proceeding. Any person wishing to comment on the draft supplemental EIS may do so. Your comments should focus on the draft supplemental EIS's disclosure and discussion of potential environmental effects. To ensure consideration of your comments on the proposal in the final supplemental EIS,

⁴FERC eLibrary accession number 20241127-3065.

⁵See *Healthy Gulf v. FERC*, 107 F.4th 1033 (D.C. Cir. 2024).

it is important that the Commission receive your comments on or before 5:00 p.m. Eastern Time on March 31, 2025.

For your convenience, there are three methods you can use to submit your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208-3676 or FercOnlineSupport@ferc.gov. Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the eComment feature on the Commission's website (www.ferc.gov) under the link to FERC Online. This is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the eFiling feature on the Commission's website (www.ferc.gov) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on "eRegister." If you are filing a comment on a particular project, please select "Comment on a Filing" as the filing type; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (CP22-21 and CP22-22) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, 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, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR part 385.214). Motions to intervene are more fully described at <https://www.ferc.gov/how-intervene>. Only intervenors have the right to seek rehearing or judicial review of the Commission's decision. The Commission grants affected landowners and others with environmental concerns intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which no other party can adequately represent. Simply filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered.

Questions?

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208-FERC, or on the FERC website (www.ferc.gov) using the eLibrary link. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

In addition, the Commission offers a free service called eSubscription that allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to <https://www.ferc.gov/ferc-online/overview> to register for eSubscription.

Dated: February 7, 2025.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2025-02589 Filed 2-12-25; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP25-56-000]

Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline; Columbia Gas Transmission, LLC

Take notice that on January 30, 2025, Columbia Gas Transmission, LLC (Columbia), 700 Louisiana Street, Suite 1300, Houston, Texas 77002-2700, filed in the above referenced docket, a prior notice request pursuant to sections 157.205 and 157.216 of the Commission's regulations under the Natural Gas Act (NGA), and Columbia's blanket certificate issued in Docket No. CP83-76-000, for authorization to abandon one (1) injection/withdrawal well, connecting pipeline, and

appurtenant facilities located at the Terra Alta Storage Field in Preston County, West Virginia. The estimated cost for the project is \$775,000, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502-6652 (toll free at 1-866-208-3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502-8371, TTY (202) 502-8659. Email the Public Reference Room at public.referenceroom@ferc.gov.

Any questions concerning this request should be directed to David A. Alonzo, Manager, Project Authorizations, Columbia Gas Transmission, LLC, 700 Louisiana Street, Suite 1300, Houston, Texas 77002-2700, by phone at (832) 320-5477, or by email at david_alonzo@tcenergy.com.

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on April 8, 2025. How to file protests, motions to intervene, and comments is explained below.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions,

comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,¹ any person² or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,³ and must be submitted by the protest deadline, which is April 8, 2025. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure⁴ and the regulations under the NGA⁵ by the intervention deadline for the project, which is April 8, 2025. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to/intervene.asp>.

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before April 8, 2025. The filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding.

How To File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP25-56-000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to Documents and Filings. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Protest", "Intervention", or "Comment on a Filing"; or⁶

(2) You can file a paper copy of your submission by mailing it to the address below. Your submission must reference the Project docket number CP25-56-000.

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other method: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502-8258 or FercOnlineSupport@ferc.gov.

Protests and motions to intervene must be served on the applicant either by mail at: David A. Alonzo, Manager, Project Authorizations, Columbia Gas Transmission, LLC, 700 Louisiana Street, Suite 1300, Houston, Texas 77002-2700, or by email (with a link to the document) at david_alonzo@tcenergy.com. Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at (866) 208-FERC, or on the FERC website at www.ferc.gov using the "eLibrary" link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to www.ferc.gov/docs-filing/esubscription.asp.

Dated: February 7, 2025.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2025-02588 Filed 2-12-25; 8:45 am]

BILLING CODE 6717-01-P

¹ 18 CFR 157.205.

² Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

³ 18 CFR 157.205(e).

⁴ 18 CFR 385.214.

⁵ 18 CFR 157.10.

⁶ Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission's website at www.ferc.gov under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. CP25–55–000]

Columbia Gas Transmission, LLC; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on January 30, 2025, Columbia Gas Transmission, LLC (Columbia), 700 Louisiana Street, Suite 1300, Houston, Texas 77002–2700, filed in the above referenced docket, a prior notice request pursuant to sections 157.205 and 157.216 of the Commission's regulations under the Natural Gas Act (NGA), and Columbia's blanket certificate issued in Docket No. CP83–76–000,¹ for authorization to abandon two (2) injection/withdrawal wells, connecting pipelines, and appurtenant facilities located at the Terra Alta South Storage Field in Preston County, West Virginia (2025 Terra Alta South Wells 7527 and 7536 Abandonment Project).

Columbia concludes that plugging and abandoning Wells 7527 and 7536 will limit integrity risk in alignment with the guidance of the Pipeline and Hazardous Materials Safety Administration Storage Final Rule. The estimated cost for the project is \$1.4 million, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502–6652 (toll free at 1–866–208–3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502–

8371, TTY (202) 502–8659. Email the Public Reference Room at public.referenceroom@ferc.gov.

Any questions concerning this request should be directed to David A. Alonzo, Manager of Project Authorizations, Columbia Gas Transmission, LLC, 700 Louisiana Street, Suite 1300, Houston, Texas 77002–2700, by phone at (832) 320–5477, or by email at david_alonzo@tcenergy.com.

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on April 8, 2025. How to file protests, motions to intervene, and comments is explained below.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or OPP@ferc.gov.

Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,² any person³ or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,⁴ and must be submitted by the protest deadline, which is April 8, 2025. A protest may also serve as a

motion to intervene so long as the protestor states it also seeks to be an intervenor.

Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure⁵ and the regulations under the NGA⁶ by the intervention deadline for the project, which is April 8, 2025. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to/intervene.asp>.

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before April 8, 2025. The filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding.

² 18 CFR 157.205.

³ Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

⁴ 18 CFR 157.205(e).

⁵ 18 CFR 385.214.

⁶ 18 CFR 157.10.

¹ *Columbia Gas Transmission Corporation* (predecessor to Columbia Gas Transmission, LLC), 22 FERC ¶ 62,029 (1983).

How To File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP25–55–000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to Documents and Filings. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Protest", "Intervention", or "Comment on a Filing"; or ⁷

(2) You can file a paper copy of your submission by mailing it to the address below. Your submission must reference the Project docket number CP25–55–000.

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other method: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or FercOnlineSupport@ferc.gov.

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Dated: February 7, 2025.

Debbie-Anne A. Reese,
Secretary.

[FER Doc. 2025–02586 Filed 2–12–25; 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: EG25–135–000.

Applicants: Calistoga Resiliency Center, LLC.

Description: Calistoga Resiliency Center, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 2/7/25.

Accession Number: 20250207–5196.

Comment Date: 5 p.m. ET 2/28/25.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER22–871–002; ER22–2925–002; ER22–2926–002.

Applicants: Jicarilla Storage 1 LLC, Jicarilla Solar 1 LLC, Jicarilla Solar 2 LLC.

Description: Jicarilla Solar 2 LLC, et al. submit supplemental response to FERC's 10/11/2024 deficiency letter.

Filed Date: 1/16/25.

Accession Number: 20250116–5171.

Comment Date: 5 p.m. ET 2/28/25.

Docket Numbers: ER25–438–002.

Applicants: Midcontinent Independent System Operator, Inc., Ameren Illinois Company.

Description: Tariff Amendment: Ameren Illinois Company submits tariff filing per 35.17(b): 2024–02–07 SA 4393 and SA 4394 Ameren IL-Newton 2nd Sub WCA and UCA to be effective 1/14/2025.

Filed Date: 2/7/25.

Accession Number: 20250207–5031.

Comment Date: 5 p.m. ET 2/28/25.

Docket Numbers: ER25–720–001.

Applicants: Michigan Electric Transmission Company, LLC.

Description: Tariff Amendment: Amendment to JOA, Request for Shortened Comment Period, Expedited Action to be effective 2/15/2025.

Filed Date: 2/7/25.

Accession Number: 20250207–5179.

Comment Date: 5 p.m. ET 2/28/25.

Docket Numbers: ER25–765–000.

Applicants: Beowawe Power, LLC.
Description: Amendment to 12/19/2024, Beowawe Power, LLC tariff filing.

Filed Date: 2/4/25.

Accession Number: 20250204–5222.

Comment Date: 5 p.m. ET 2/18/25.

Docket Numbers: ER25–1175–000.
Applicants: Chalk Bluff Solar Energy LLC.

Description: Request for Prospective Tariff Waiver of Chalk Bluff Solar Energy LLC.

Filed Date: 1/31/25.

Accession Number: 20250131–5559.

Comment Date: 5 p.m. ET 2/21/25.

Docket Numbers: ER25–1242–000.

Applicants: New York Independent System Operator, Inc., Niagara Mohawk Power Corporation.

Description: § 205(d) Rate Filing: New York Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii): NYISO—National Grid Joint 205: 2nd Amended SGIA Branscomb Solar SA2557 to be effective 1/27/2025.

Filed Date: 2/7/25.

Accession Number: 20250207–5026.

Comment Date: 5 p.m. ET 2/28/25.

Docket Numbers: ER25–1243–000.

Applicants: AEP Texas Inc.

Description: § 205(d) Rate Filing: AEPTX—Las Majadas Wind Farm 2nd Amended Generation Interconnection Agreement to be effective 1/20/2025.

Filed Date: 2/7/25.

Accession Number: 20250207–5057.

Comment Date: 5 p.m. ET 2/28/25.

Docket Numbers: ER25–1244–000.

Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment: 2827R8 KPP and Evergy Kansas Central Meter Agent Agreement Cancellation to be effective 1/1/2025.

Filed Date: 2/7/25.

Accession Number: 20250207–5060.

Comment Date: 5 p.m. ET 2/28/25.

Docket Numbers: ER25–1245–000.

Applicants: Southern California Edison Company.

Description: § 205(d) Rate Filing: Amended GIA, Mountain View I/II (WDT1012/WDT1013, SA 1165) + Cancel eTariff to be effective 2/8/2025.

Filed Date: 2/7/25.

⁷ Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission's website at www.ferc.gov under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

Accession Number: 20250207–5085.
Comment Date: 5 p.m. ET 2/28/25.
Docket Numbers: ER25–1246–000.
Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Notice of Cancellation of ISA, SA No. 6256; Queue No. AE1–044 to be effective 4/9/2025.

Filed Date: 2/7/25.

Accession Number: 20250207–5086.

Comment Date: 5 p.m. ET 2/28/25.

Docket Numbers: ER25–1247–000.

Applicants: Public Service Company of Colorado.

Description: § 205(d) Rate Filing: 2025–02–07 PSC–SMS1–PLGIA–631—DRAFT NOC to be effective 1/29/2025.

Filed Date: 2/7/25.

Accession Number: 20250207–5087.

Comment Date: 5 p.m. ET 2/28/25.

Docket Numbers: ER25–1248–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Revisions to OA, Schedule 12 & RAA, Schedule 17 RE: 4Q 2024 Member Lists to be effective 12/31/2024.

Filed Date: 2/7/25.

Accession Number: 20250207–5112.

Comment Date: 5 p.m. ET 2/28/25.

Docket Numbers: ER25–1249–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2025–02–07_Att X, App 6—Inverter-Based Resource Performance Standards to be effective 4/9/2025.

Filed Date: 2/7/25.

Accession Number: 20250207–5125.

Comment Date: 5 p.m. ET 2/28/25.

Docket Numbers: ER25–1250–000.

Applicants: Southern California Edison Company.

Description: Tariff Amendment: Terminate 23 GIAs & DSAs, SCE GBU Solar Program Projects (See Tariff Sections) to be effective 2/8/2025.

Filed Date: 2/7/25.

Accession Number: 20250207–5127.

Comment Date: 5 p.m. ET 2/28/25.

Docket Numbers: ER25–1251–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2025–02–07_SA 3474 ATXI—Pana Solar 1st Rev GIA (J912) to be effective 4/9/2025.

Filed Date: 2/7/25.

Accession Number: 20250207–5143.

Comment Date: 5 p.m. ET 2/28/25.

Docket Numbers: ER25–1252–000.

Applicants: ISO New England Inc., New England Power Company.

Description: § 205(d) Rate Filing: ISO New England Inc. submits tariff filing per 35.13(a)(2)(iii): Metered Quantity for

Settlement Rules and Notice of SATOA Effective Date to be effective 4/9/2025.

Filed Date: 2/7/25.

Accession Number: 20250207–5155.

Comment Date: 5 p.m. ET 2/28/25.

Docket Numbers: ER25–1253–000.

Applicants: Duke Energy Carolinas, LLC.

Description: § 205(d) Rate Filing: DEC–DESC Dynamic Transfer Agmt RS No. 682 to be effective 4/10/2025.

Filed Date: 2/7/25.

Accession Number: 20250207–5199.

Comment Date: 5 p.m. ET 2/28/25.

Docket Numbers: ER25–1254–000.

Applicants: ISO New England Inc.

Description: ISO New England Inc. submits Capital Budget Quarterly Filing for Fourth Quarter of 2024.

Filed Date: 2/7/25.

Accession Number: 20250207–5202.

Comment Date: 5 p.m. ET 2/28/25.

Docket Numbers: ER25–1255–000.

Applicants: Palo Duro Wind, LLC.

Description: § 205(d) Rate Filing: Application for Market-Based Rate Authorization to be effective 4/9/2025.

Filed Date: 2/7/25.

Accession Number: 20250207–5204.

Comment Date: 5 p.m. ET 2/28/25.

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 7, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–02579 Filed 2–12–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP25–57–000]

Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline; Columbia Gas Transmission, LLC

Take notice that on January 30, 2025, Columbia Gas Transmission, LLC (Columbia), 700 Louisiana Street, Suite 1300, Houston, Texas 77002–2700, filed in the above referenced docket, a prior notice request pursuant to sections 157.205 and 157.216(b) of the Commission's regulations under the Natural Gas Act (NGA), and Columbia's blanket certificate issued in Docket No. CP83–76–000, for authorization to abandon one injection/withdrawal well, connecting pipeline, and appurtenant facilities located at the Holmes Storage Field in Holmes County, Ohio (2025 Holmes Well 7514 Abandonment Project). Columbia has determined that Well 7514 does not provide significant value in terms of flow performance or in meeting integrity standards, as outlined by the PHMSA Storage Final Rule. The well is underperforming and contributes only a minimal amount to the total deliverability of the Holmes Storage Field. The estimated cost for the project is \$818,000, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

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Any questions concerning this request should be directed to David A. Alonzo, Manager, Project Authorizations, Columbia Gas Transmission, LLC, 700 Louisiana Street, Suite 1300, Houston, Texas 77002-2700, by phone at (832) 320-5477 or by email at david_alonzo@tcenergy.com.

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on April 8, 2025. How to file protests, motions to intervene, and comments is explained below.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,¹ any person² or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's

regulations,³ and must be submitted by the protest deadline, which is April 8, 2025. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure⁴ and the regulations under the NGA⁵ by the intervention deadline for the project, which is April 8, 2025. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to/intervene.asp>.

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before April 8,

2025. The filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding.

How To File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP25-57-000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website (www.ferc.gov) under the link to Documents and Filings. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Protest", "Intervention", or "Comment on a Filing"; or⁶

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Dated: February 7, 2025.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2025–02587 Filed 2–12–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 15393–000]

Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications; Low Head Hydro M 18 LLC

On January 28, 2025, Low Head Hydro M 18, LLC, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of a hydropower project proposed to be located at the U.S. Army Corps of Engineers' (Corps) Mississippi River Lock and Dam 18 in Des Moines County, IA, and Henderson County, IL. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed Mississippi River Lock and Dam 18 Hydroelectric Project would consist of the following: (1) A proposed 300-foot by 200-foot masonry and steel powerhouse located in alignment with the existing Corps' dam, containing four proposed Kaplan bulb or Kaplan pit turbines with a total

capacity of 25.43 megawatts; (2) a proposed intake channel of unlined earthen excavation approximately 250 feet long and 300 feet wide, located upstream of the turbine bays and including a 175-foot-long guide wall along the western side of the channel; (3) a proposed 850-foot-long and 300-foot-wide tailrace area of unlined earthen excavation including a 850-foot-long guide wall along the western side of the channel; (4) a proposed 75-foot by 75-foot masonry control building located on the Iowa shoreline containing switchgear, controls, communications, and ancillary equipment; (5) a proposed 50-foot by 75-foot project substation located adjacent to the control building containing a three-phase step-up transformer with a rating between 15 to 25 megawatt-ampere; (6) a 1,600-foot-long and 40-foot-wide pedestrian bridge improved and extended to provide access to the powerhouse along with a proposed public park and parking area adjacent to the control building; and (7) a proposed approx. 2,200-foot-long, 12.5-kilovolt (kv) underground transmission line to the project substation and a proposed approx. 3,600-foot-long, 69-kv transmission line from the substation to the existing 69-kv Des Moines Drainage District Pump substation. The proposed project would have an estimated annual generation of 126,800 megawatt-hours.

Applicant Contact: Allen W. Skelly, Low Head Hydro M 18, LLC., 127 Longwood Blvd., Mount Orab, Ohio 45154; phone: (937) 802–8866.

FERC Contact: Shivani Khetani; phone: (212) 273–5917, or by email at shivani.khetani@ferc.gov.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

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, 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.

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://](https://ferconline.ferc.gov/eFiling.aspx)

ferconline.ferc.gov/eFiling.aspx.

Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <https://ferconline.ferc.gov/QuickComment.aspx>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, 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, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–15393–000.

More information about this project, including a copy of the application, can be viewed or printed on the “eLibrary” link of the Commission's website at <https://elibrary.ferc.gov/eLibrary/search>. Enter the docket number (P–15352) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: February 7, 2025.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2025–02590 Filed 2–12–25; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL MARITIME COMMISSION

National Shipper Advisory Committee March 2025 Meeting

AGENCY: Federal Maritime Commission.

ACTION: Notice of Federal Advisory committee meeting.

SUMMARY: Notice is hereby given of a meeting of the National Shipper Advisory Committee (NSAC or Committee), pursuant to the Federal Advisory Committee Act. The Committee advises the Federal Maritime Commission (Commission). The meeting will be held for the purpose of soliciting and discussing information, insight, and expertise pertaining to conditions in the ocean freight delivery system relevant to the Commission.

DATES: The Committee will meet in person in Long Beach, California, on March 5, 2025, from 2:30 p.m. until 4:30 p.m. Pacific time. Please note that this

meeting may adjourn early if the Committee has completed its business.

ADDRESSES: The meeting will be held at the Long Beach Convention Center located at 300 E Ocean Blvd., Long Beach, California. This meeting will follow the TPM Conference and will be open to the public. Members of the public do not need to register for the TPM Conference to attend the NSAC meeting. The meeting will also be streamed live on the Federal Maritime Commission's YouTube channel. If technical issues prevent the Committee from streaming live, the Committee will post a recording of the meeting on the Commission's YouTube channel following the meeting.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Bragança, Designated Federal Officer of the National Shipper Advisory Committee, phone: (202) 523-5725; email: mbraganca@fmc.gov.

SUPPLEMENTARY INFORMATION:

Background: The National Shipper Advisory Committee is a Federal advisory committee. It operates under the provisions of the Federal Advisory Committee Act, 5 U.S.C. App., and 46 U.S.C. chapter 425. The Committee was established on January 1, 2021, when the National Defense Authorization Act for Fiscal Year 2021 became law. Public Law No. 116–283, section 8604, 134 Stat. 3388 (2021). The Committee provides information, insight, and expertise pertaining to conditions in the ocean freight delivery system to the Federal Maritime Commission. Specifically, the Committee advises the Commission on policies relating to the competitiveness, reliability, integrity, and fairness of the international ocean freight delivery system. 46 U.S.C. 45202(b).

Meeting Agenda: The Committee will recognize its new members and receive updates from the Data/Visibility, Fees & Surcharges, and Port Best Practices subcommittees; the Refusal to Deal Working Group; and the Digital Container Shipping Association. The Committee will also be provided with an overview of the Shipper Bill of Rights by the National Industrial Transportation League. The Committee will take public comment during the meeting.

Public Comment: The Committee will take public comment during its meeting and is particularly interested in receiving feedback regarding the issues in your supply chain and the issues that you want to see the Committee and the Federal Maritime Commission address.

Members of the public may also submit written comments to NSAC at any time. Comments should be

addressed to NSAC, c/o Mark Bragança, Federal Maritime Commission, 800 North Capitol St. NW, Washington, DC 25073 or nsac@fmc.gov.

A copy of all meeting documentation, including minutes, will be available at www.fmc.gov following the meeting.

Dated: February 10, 2025.

David Eng,
Secretary.

[FR Doc. 2025–02601 Filed 2–12–25; 8:45 am]

BILLING CODE 6730–02–P

FEDERAL TRADE COMMISSION

[File No. 202 3133]

GoDaddy Inc.; Analysis of Proposed Consent Order To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement; request for comment.

SUMMARY: The consent agreement in this matter settles alleged violations of Federal law prohibiting unfair or deceptive acts or practices. The attached Analysis of Proposed Consent Order to Aid Public Comment describes both the allegations in the complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before March 17, 2025.

ADDRESSES: Interested parties may file comments online or on paper by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Please write “GoDaddy; File No. 202 3133” on your comment and file your comment online at <https://www.regulations.gov> by following the instructions on the web-based form. If you prefer to file your comment on paper, please mail your comment to: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Mail Stop H–144 (Annex H), Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Jarad Brown (202–326–2927) and David Walko (202–326–2880), Attorneys, Division of Privacy and Identity Protection, Bureau of Consumer Protection, Federal Trade Commission, 400 7th St. SW, Washington, DC 20024.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule § 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final

approval, by the Commission, has been placed on the public record for a period of 30 days. The following Analysis to Aid Public Comment describes the terms of the consent agreement and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained at <https://www.ftc.gov/news-events/commission-actions>.

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before March 17, 2025. Write “GoDaddy; File No. 202 3133” on your comment. Your comment—including your name and your State—will be placed on the public record of this proceeding, including, to the extent practicable, on the <https://www.regulations.gov> website.

Because of heightened security screening, postal mail addressed to the Commission will be subject to delay. We strongly encourage you to submit your comments online through the <https://www.regulations.gov> website. If you prefer to file your comment on paper, write “GoDaddy; File No. 202 3133” on your comment and on the envelope, and send it via overnight service to: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Mail Stop H–144 (Annex H), Washington, DC 20580.

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

Comments containing material for which confidential treatment is

requested must be filed in paper form, must be clearly labeled “Confidential,” and must comply with FTC Rule § 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule § 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the <https://www.regulations.gov> website—as legally required by FTC Rule § 4.9(b)—we cannot redact or remove your comment from that website, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule § 4.9(c), and the General Counsel grants that request.

Visit the FTC website at <https://www.ftc.gov> to read this document and the news release describing the proposed settlement. The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments it receives on or before March 17, 2025. For information on the Commission’s privacy policy, including routine uses permitted by the Privacy Act, see <https://www.ftc.gov/site-information/privacy-policy>.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission (“Commission”) has accepted, subject to final approval, an agreement containing a consent order from GoDaddy Inc. and *GoDaddy.com, LLC* (“Respondents”). The proposed consent order (“Proposed Order”) has been placed on the public record for 30 days for receipt of public comments from interested persons. Comments received during this period will become part of the public record. After 30 days, the Commission will again review the agreement, along with the comments received, and will decide whether it should make final the Proposed Order or withdraw from the agreement and take appropriate action.

Respondent GoDaddy Inc. is a Delaware corporation with its headquarters in Arizona. Respondent *GoDaddy.com, LLC* is a Delaware limited liability company with its headquarters in Arizona and is a wholly owned subsidiary of GoDaddy Inc. Respondents provide website hosting services to individuals and businesses of all sizes, including small businesses.

Since at least 2015, the Commission alleges, Respondents have marketed their services as a secure choice for customers to host their websites, touting their commitment to data security. Respondents have also stated that they comply with the Privacy Shield Framework principles, which include a promise to take reasonable and appropriate measures to protect the security of personal information. As alleged in the complaint, in fact, Respondents’ data security practices were not reasonable for their size and complexity. GoDaddy did not have reasonable visibility into vulnerabilities and threats affecting its hosting services. Since 2018, GoDaddy has failed to implement standard security tools and practices to protect its hosting services and to monitor them for security threats. In particular, GoDaddy allegedly failed to: (a) inventory and manage assets; (b) manage software updates; (c) assess risks to its website hosting services; (d) use multi-factor authentication; (e) log security-related events; (f) monitor for security threats, including by failing to use software that could actively detect threats from its many logs, and failing to use file integrity monitoring; (g) segment its network; and (h) secure connections to services that provide access to consumer data. In light of these failures, the Commission challenged GoDaddy’s representations about security and adhering to the Privacy Shield Framework principles as false or misleading. As a result of Respondents’ data security failures, as alleged in the complaint, they experienced several incidents of unauthorized access to their hosting service between 2019 and December 2022, in which threat actors repeatedly gained access to customers’ websites and data, causing harm to Respondents’ customers and putting them and visitors to the customers’ websites at risk of further harm.

The Commission’s proposed three-count complaint alleges that Respondents engaged in unfair and deceptive practices in violation of Section 5(a) of the FTC Act by (1) unfairly failing to employ reasonable and appropriate data security measures, (2) deceptively representing that they used reasonable and appropriate data security measures, and (3) deceptively representing that they adhere to the EU–U.S. and/or Swiss–U.S. Privacy Shield Principles. With respect to the first count, the proposed complaint alleges that Respondents failed to employ reasonable and appropriate measures to protect their hosting environment from unauthorized access. Respondents’

failure to employ such reasonable and appropriate measures has caused or is likely to cause substantial injury to consumers in the form of several data breaches between 2019 and 2022, theft of Respondents’ customers’ confidential information stored in Respondents’ hosting services, and alteration of Respondents’ customers’ websites. These injuries are not outweighed by countervailing benefits to consumers or competition and are not reasonably avoidable by consumers themselves.

Summary of Proposed Order With Respondents

The Proposed Order contains injunctive relief designed to prevent Respondents from engaging in the same or similar acts or practices in the future. Provision I prohibits Respondents from misrepresenting, expressly or by implication: (1) the extent to which they protect the security, confidentiality, integrity, or availability of their hosting services; (2) the extent to which they use reasonable or appropriate measures to protect certain hosting services from unauthorized access; (3) the extent to which they utilize any security technology or technique, including monitoring, to protect certain hosting services; (4) the extent to which they protect the security, confidentiality, integrity, or availability of consumers’ personal information; and (5) the extent to which Respondents are a member of, adhere to, comply with, are certified by, are endorsed by, or otherwise participate in any privacy or security program sponsored by a government or any self-regulatory or standard-setting organization, including the E.U.-U.S. Privacy Shield Framework and the Swiss-U.S. Privacy Shield Framework.

Provision II requires that Respondents establish, implement, and document a comprehensive information security program. The program must include specific security measures tailored to Respondents’ previous data security shortcomings alleged in the complaint. Provisions III–VI require that Respondents obtain initial and biennial information security assessments by an independent, third-party professional for 20 years (Provision III), cooperate with the independent assessor (Provision IV), provide the Commission with annual certifications of compliance with the Order from a senior executive officer from each Respondent (Provision V), and submit reports to the Commission if they suffer additional data incidents (Provision VI).

Provisions VII–X are reporting and compliance provisions, which include recordkeeping requirements and provisions requiring Respondents to

provide information or documents necessary for the Commission to monitor compliance. Provision XI states that the Proposed Order will remain in effect for 20 years, with certain exceptions.

The purpose of this analysis is to facilitate public comment on the Proposed Order, and it is not intended to constitute an official interpretation of the complaint or Proposed Order, or to modify the Proposed Order's terms in any way.

By direction of the Commission.

April J. Tabor,
Secretary.

[FR Doc. 2025-02575 Filed 2-12-25; 8:45 am]

BILLING CODE 6750-01-P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension

AGENCY: Federal Trade Commission.

ACTION: Notice.

SUMMARY: The information collection requirements described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act (PRA). The FTC seeks public comments on the agency's shared enforcement with the Consumer Financial Protection Bureau (CFPB) of the information collection requirements in CFPB's rule on Duties of Consumer Reporting Agencies Regarding Disclosures to Consumers (Rule). That clearance expires on April 30, 2025.

DATES: Comments must be filed by April 14, 2025.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write "Regulation V, subpart N; PRA Comment, P085405," on your comment, and file your comment online at <https://www.regulations.gov> by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC-5610 (Annex J), Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Ryan Mehm, Attorney, Bureau of Consumer Protection, (202) 326-2918, rmehm@ftc.gov, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

Title: Regulation V, Subpart N (12 CFR 1022.130-1022.138).

OMB Control Number: 3084-0128.

Type of Review: Extension of a currently approved collection.

Abstract: The FTC shares enforcement authority with the CFPB for subpart N of Regulation V. Subpart N requires nationwide consumer reporting agencies and nationwide consumer specialty reporting agencies to provide to consumers, upon request, one free file disclosure within any 12-month period. Generally, it requires the nationwide consumer reporting agencies, as defined in section 603(p) of the Fair Credit Reporting Act (FCRA), 15 U.S.C. 1681a(p), to create and operate a centralized source that provides consumers with the ability to request their free annual file disclosures from each of the nationwide consumer reporting agencies through a centralized internet website, toll-free telephone number, and postal address. Subpart N also requires the nationwide consumer reporting agencies to establish a standardized form for internet and mail requests for annual file disclosures and provides a model standardized form that may be used to comply with that requirement. It additionally requires nationwide specialty consumer reporting agencies, as defined in section 603(w) of the FCRA, 15 U.S.C. 1681a(w), to establish a streamlined process for consumers to request annual file disclosures. This streamlined process must include a toll-free telephone number for consumers to make such requests.

As required by section 3506(c)(2)(A) of the PRA, 44 U.S.C. 3506(c)(2)(A), the FTC is providing this opportunity for public comment before requesting that OMB extend the existing clearance for the information collection requirements contained in the Rule.

Burden Statement

Because the FTC shares enforcement authority with the CFPB for subpart N, the two agencies split between them the related estimate of PRA burden for firms under their co-enforcement jurisdiction. Estimated PRA burden, excluding the halving (to be shown at the conclusion of this analysis), are as follows:

A. Requests per Year From Consumers for Free Annual File Disclosures

When the FTC last sought clearance renewal for the Rule, we estimated 34 million requests per year as a representative average to calculate PRA burden, and noted that the Commission was seeking more recent estimates of the number of requests consumers are

making for free credit reports. Since that time, the Consumer Data Industry Association ("CDIA") estimated that in 2023 and 2024, the nationwide consumer reporting agencies provided on average approximately 17 million free annual file disclosures through the centralized internet website required to be established by the FACT Act and subpart N. Based on its knowledge of the industry, FTC staff projected that during this same time period of 2023 and 2024 the consumer reporting agencies provided no more than 2 million free annual file disclosures through the centralized toll-free telephone number and postal address required to be established by the FACT Act and subpart N. We expect that the number of requests for free annual credit reports will rise over the next three years because of increases in the population and consumer awareness that they are entitled to a free annual report. As a proxy, we are now estimating 21 million requests per year as a representative average year to estimate PRA burden for purposes of the instant analysis.

The Commission seeks recent data on how these requests are being received—by internet, phone, or by mail.

B. Annual File Disclosures Provided Through the Internet

Both nationwide and nationwide specialty consumer reporting agencies will likely handle the overwhelming majority of consumer requests through internet websites. The annual file disclosure requests processed through the internet will impose a *de minimis* hourly burden in personnel costs per request on the nationwide and nationwide specialty consumer reporting agencies, except for those requests that are redirected to the mail process.¹ However, consumer reporting agencies periodically will be required to adjust the internet capacity needed to handle the changing request volume. Consumer reporting agencies likely will make such adjustments by negotiating or renegotiating outsourcing service contracts annually or as conditions change. Trained personnel will need to spend time negotiating and renegotiating such contracts. Commission staff estimates that negotiating such contracts will require a cumulative total of 8,320 hours and \$678,080 in labor costs.² Such activity

¹ See *infra* note 5.

² Based on the time necessary for similar activity in the federal government (including at the FTC), staff estimates that such contracting and administration will require approximately 4 full-time equivalent employees (FTE) for the web

is treated as an annual burden of maintaining and adjusting the changing internet capacity requirements.

C. Annual File Disclosures Requested Over the Telephone

Most of the telephone requests for annual file disclosures will also be handled in an automated fashion, with *de minimis* personnel costs needed to process the requests except for those requests that are redirected to the mail process.³ As with the internet, consumer reporting agencies will require additional time and investment to increase and administer the automated telephone capacity for the expected increase in request volume. The nationwide and nationwide specialty consumer reporting agencies will likely make such adjustments by negotiating or renegotiating outsourcing service contracts annually or as conditions change. Staff estimates that this will require a total of 6,240 hours at a cost of \$508,560 in labor costs.⁴ This activity also is treated as an annual recurring burden necessary to obtain, maintain, and adjust automated call center capacity.

D. Annual File Disclosures Requiring Processing by Mail

Based on their knowledge of the industry, staff believes that no more than 1% of consumers (1% × 21 million, or 210,000) will request an annual file disclosure through U.S. postal service mail. Staff estimates that clerical personnel will require 10 minutes per request to handle these requests, thereby totaling 35,000 hours of time. [(210,000 × 10 minutes)/60 minutes per hour = 35,000 hours.]

In addition, whenever the requesting consumer cannot be identified using an automated method (a website or automated telephone service), it will be necessary to redirect that consumer to send identifying material along with the request by mail. Staff estimates that this

service contracts. Thus, staff estimates that administering the contract will require four FTE, which is 8,320 hours per year (four FTE × 2,080 hours/year). The cost is based on the most current Bureau of Labor Statistics median hourly rate (\$81.50) for computer and information systems managers. See Occupational Employment Statistics (released on April 3, 2024), *Occupational Employment and Wages—May 2023*, Table 1, available at <https://www.bls.gov/news.release/ocwage.t01.htm>. Thus, the estimated setup and maintenance cost for an internet system is \$678,080 per year (8,320 hours × \$81.50/hour).

³ See *infra* note 5.

⁴ Staff estimates that recurring contracting for automated telephone capacity will require approximately 3 FTE, a total of 6,240 hours (3 × 2,080 hours). Applying an hourly wage rate of \$81.50 (see *supra* note 2), estimated setup and maintenance cost is \$508,560 (6,240 × \$81.50) per year.

will occur in about 5% of the new requests (or 1,039,500)⁵ that were originally placed over the internet or telephone. Staff estimates that clerical personnel will require approximately 10 minutes per request to input and process those redirected requests for a cumulative total of 173,250 clerical hours. [(1,039,500 × 10 minutes)/60 minutes per hour = 173,250 hours.]

E. Instructions to Consumers

The Rule also requires that certain instructions be provided to consumers. See 12 CFR 1022.136(b)(2)(iv)(A) and (B), 1022.137(a)(2)(iii)(A) and (B). Minimal associated time or cost is involved, however. Internet instructions to consumers are embedded in the centralized source website and do not require additional time or cost for the nationwide consumer reporting agencies. Similarly, for telephone requests, the automated phone systems provide the requisite instructions when consumers select certain options. Some consumers who request their credit reports by mail might additionally request printed instructions from the nationwide and nationwide specialty consumer reporting agencies. Staff estimates that there will be a total of 1,249,500 requests each year for free annual file disclosures by mail.⁶ Based on its knowledge of the industry, staff estimates that, of the predicted 1,249,500 mail requests, 10% (or 124,950) will request instructions by mail. If printed instructions are sent to each of these consumers by mail, requiring 10 minutes of clerical time per consumer, this will total 20,825 hours. [(124,950 instructions × 10 minutes)/60 minutes per hour.]

F. Annual Labor Costs

Labor costs are derived by applying median hourly cost figures to the burden hours described above. Staff anticipates that processing of requests for annual file disclosures and instructions will be performed by clerical personnel and estimates that the processing will require 229,075 hours at an annual cost of \$4,760,179. [(35,000 hours for handling initial mail requests + 173,250 hours for handling requests redirected to mail + 20,825 hours for

⁵ This figure reflects five percent of all requests, net of the estimated one percent of all requests that might initially be made by mail. That is, $0.05 \times (21,000,000 - 210,000) = 1,039,500$.

⁶ This figure includes both the estimated 1% of 21 million requests that will be made by mail each year (210,000), and the estimated 1,039,500 requests initially made over the internet or telephone that will be redirected to the mail process (see *supra* note 5).

handling instructions mailed to consumers) × \$20.78 per hour.⁷

As elaborated on above, staff estimates that a total of 14,560 labor hours will be needed to negotiate or renegotiate outsourced service contracts annually (or as conditions otherwise change) to increase internet (8,320 hours) and telephone (6,240 hours) capacity requirements for internet web services and the automated telephone call center. This will result in approximately \$1,186,640 per year in labor costs. [14,560 hours × \$81.50 per hour.⁸]

Thus, estimated cumulative annual labor costs are \$5,946,819.

G. Capital/Non-Labor Costs

As in the previous PRA clearance analysis, FTC staff believes it is likely that consumer reporting agencies will use third-party contractors (instead of their own employees) to increase the capacity of their systems. Because of the way these contracts are typically established, these costs will likely be incurred on a continuing basis and will be calculated based on the number of requests handled by the systems. Staff estimates that the total annual amount to be paid for services delivered under these contracts is \$8,021,000.⁹

H. Net Burden for FTC, After 50:50 Split

After halving the updated estimates to split the PRA burden with the CFPB regarding the Rule, the FTC's burden totals are 121,818 hours, \$2,973,410 in associated labor costs, and \$4,010,500 in capital/non-labor costs.

Request for Comment

Pursuant to section 3506(c)(2)(A) of the PRA, the FTC invites comments on: (1) whether the disclosure and recordkeeping requirements are necessary, including whether the information will be practically useful; (2) the accuracy of our burden estimates, including whether the methodology and assumptions used are valid; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information.

For the FTC to consider a comment, we must receive it on or before April 14,

⁷ See *Occupational Employment and Wages—May 2023*, Table 1, available at <https://www.bls.gov/news.release/pdf/ocwage.pdf> (Office and administrative support workers, all others).

⁸ See *supra* notes 2 and 4.

⁹ This consists of an estimated \$3,569,000 for automated telephone cost (\$1.49 per request × 2,395,260 requests), an estimated \$2,603,000 (\$0.15 per request × 17,355,240 requests) for internet web service cost, and an estimated \$1,849,000 for printing and mailing costs (\$1.48 per request × 1,249,500 requests). Per unit cost estimates are based on staff's knowledge of the industry.

2025. Your comment, including your name and your state, will be placed on the public record of this proceeding, including the <https://www.regulations.gov> website.

You can file a comment online or on paper. Due to heightened security screening, postal mail addressed to the Commission will be subject to delay. We encourage you to submit your comments online through the <https://www.regulations.gov> website.

If you file your comment on paper, write "Regulation V, subpart N; PRA Comment, P085405," on your comment and on the envelope, and mail it to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC-5610 (Annex J), Washington, DC 20580.

Because your comment will become publicly available at <https://www.regulations.gov>, you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any "trade secret or any commercial or financial information which . . . is privileged or confidential"—as provided by section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including, in particular, competitively sensitive information, such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must (1) be filed in paper form, (2) be clearly labeled "Confidential," and (3) comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. See FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and

the public interest. Once your comment has been posted publicly at www.regulations.gov, we cannot redact or remove your comment unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before April 14, 2025. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see <https://www.ftc.gov/site-information/privacy-policy>.

Josephine Liu,

Assistant General Counsel for Legal Counsel.

[FR Doc. 2025-02571 Filed 2-12-25; 8:45 am]

BILLING CODE 6750-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Current List of HHS-Certified Laboratories and Instrumented Initial Testing Facilities Which Meet Minimum Standards To Engage in Urine and Oral Fluid Drug Testing for Federal Agencies

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) notifies Federal agencies of the laboratories and Instrumented Initial Testing Facilities (IITFs) currently certified to meet the standards of the Mandatory Guidelines for Federal Workplace Drug Testing Programs (Mandatory Guidelines) using Urine and the laboratories currently certified to meet the standards of the Mandatory Guidelines using Oral Fluid.

FOR FURTHER INFORMATION CONTACT: Anastasia Flanagan, Division of Workplace Programs, SAMHSA/CSAP, 5600 Fishers Lane, Room 16N06B, Rockville, Maryland 20857; 240-276-2600 (voice); Anastasia.Flanagan@samhsa.hhs.gov (email).

SUPPLEMENTARY INFORMATION: The Department of Health and Human Services (HHS) publishes a notice listing all HHS-certified laboratories and Instrumented Initial Testing Facilities (IITFs) in the **Federal Register** during the first week of each month, in

accordance with section 9.19 of the Mandatory Guidelines for Federal Workplace Drug Testing Programs (Mandatory Guidelines) using Urine and section 9.17 of the Mandatory Guidelines using Oral Fluid. If any laboratory or IITF certification is suspended or revoked, the laboratory or IITF will be omitted from subsequent lists until such time as it is restored to full certification under the Mandatory Guidelines.

If any laboratory or IITF has withdrawn from the HHS National Laboratory Certification Program (NLCP) during the past month, it will be listed at the end and will be omitted from the monthly listing thereafter.

This notice is also available on the internet at <https://www.samhsa.gov/workplace/drug-testing-resources/certified-lab-list>.

HHS separately notifies Federal agencies of the laboratories and IITFs currently certified to meet the standards of the Mandatory Guidelines using Urine and of the laboratories currently certified to meet the standards of the Mandatory Guidelines using Oral Fluid.

The Mandatory Guidelines using Urine were first published in the **Federal Register** on April 11, 1988 (53 FR 11970), and subsequently revised in the **Federal Register** on June 9, 1994 (59 FR 29908); September 30, 1997 (62 FR 51118); April 13, 2004 (69 FR 19644); November 25, 2008 (73 FR 71858); December 10, 2008 (73 FR 75122); April 30, 2010 (75 FR 22809); January 23, 2017 (82 FR 7920); and on October 12, 2023 (88 FR 70768).

The Mandatory Guidelines using Oral Fluid were first published in the **Federal Register** on October 25, 2019 (84 FR 57554) with an effective date of January 1, 2020, and subsequently revised in the **Federal Register** on October 12, 2023 (88 FR 70814).

The Mandatory Guidelines were initially developed in accordance with Executive Order 12564 and section 503 of Public Law 100-71 and allowed urine drug testing only. The Mandatory Guidelines using Urine have since been revised, and new Mandatory Guidelines allowing for oral fluid drug testing have been published. The Mandatory Guidelines require strict standards that laboratories and IITFs must meet in order to conduct drug and specimen validity tests on specimens for Federal agencies. HHS does not allow IITFs to conduct oral fluid testing.

To become certified, an applicant laboratory or IITF must undergo three rounds of performance testing plus an on-site inspection. To maintain that certification, a laboratory or IITF must participate in a quarterly performance

testing program plus undergo periodic, on-site inspections.

Laboratories and IITFs in the applicant stage of certification are not to be considered as meeting the minimum requirements described in the HHS Mandatory Guidelines using Urine and/or Oral Fluid. An HHS-certified laboratory or IITF must have its letter of certification from HHS/SAMHSA (formerly: HHS/NIDA), which attests that the test facility has met minimum standards. HHS does not allow IITFs to conduct oral fluid testing.

HHS-Certified Laboratories Approved To Conduct Oral Fluid Drug Testing

In accordance with the Mandatory Guidelines using Oral Fluid effective October 10, 2023 (88 FR 70814), the following HHS-certified laboratories meet the minimum standards to conduct drug and specimen validity tests on oral fluid specimens:

At this time, there are no laboratories certified to conduct drug and specimen validity tests on oral fluid specimens.

HHS-Certified Instrumented Initial Testing Facilities Approved To Conduct Urine Drug Testing

In accordance with the Mandatory Guidelines using Urine effective February 1, 2024 (88 FR 70768), the following HHS-certified IITFs meet the minimum standards to conduct drug and specimen validity tests on urine specimens:

Dynacare,* 6628 50th Street NW, Edmonton, AB Canada T6B 2N7, 780-784-1190 (Formerly: Gamma-Dynacare Medical Laboratories)

HHS-Certified Laboratories Approved To Conduct Urine Drug Testing

In accordance with the Mandatory Guidelines using Urine effective February 1, 2024 (88 FR 70768), the following HHS-certified laboratories meet the minimum standards to conduct drug and specimen validity tests on urine specimens:

Alere Toxicology Services, 1111 Newton St., Gretna, LA 70053, 504-361-8989/800-433-3823 (Formerly: Kroll Laboratory Specialists, Inc., Laboratory Specialists, Inc.)

Alere Toxicology Services, 450 Southlake Blvd., Richmond, VA 23236, 804-378-9130 (Formerly: Kroll Laboratory Specialists, Inc.; Scientific Testing Laboratories, Inc.; Kroll Scientific Testing Laboratories, Inc.)

Clinical Reference Laboratory, Inc., 8433 Quivira Road, Lenexa, KS 66215-2802, 800-445-6917

Desert Tox, LLC, 5425 E Bell Rd., Suite 125, Scottsdale, AZ 85254, 602-457-5411/623-748-5045

DrugScan, Inc., 200 Precision Road, Suite 200, Horsham, PA 19044, 800-235-4890

Dynacare,* 245 Pall Mall Street, London, ONT, Canada N6A 1P4, 519-679-1630 (Formerly: Gamma-Dynacare Medical Laboratories)

ElSohly Laboratories, Inc., 5 Industrial Park Drive, Oxford, MS 38655, 662-236-2609

LabOne, Inc. d/b/a Quest Diagnostics, 10101 Renner Blvd., Lenexa, KS 66219, 913-888-3927/800-873-8845 (Formerly: Quest Diagnostics Incorporated; LabOne, Inc.; Center for Laboratory Services, a Division of LabOne, Inc.)

Laboratory Corporation of America Holdings, 7207 N Gessner Road, Houston, TX 77040, 713-856-8288/800-800-2387

Laboratory Corporation of America Holdings, 69 First Ave., Raritan, NJ 08869, 908-526-2400/800-437-4986 (Formerly: Roche Biomedical Laboratories, Inc.)

Laboratory Corporation of America Holdings, 1904 TW Alexander Drive, Research Triangle Park, NC 27709, 919-572-6900/800-833-3984 (Formerly: LabCorp Occupational Testing Services, Inc., CompuChem Laboratories, Inc.; CompuChem Laboratories, Inc., A Subsidiary of Roche Biomedical Laboratory; Roche CompuChem Laboratories, Inc., A Member of the Roche Group)

Laboratory Corporation of America Holdings, 1120 Main Street, Southaven, MS 38671, 866-827-8042/800-233-6339 (Formerly: LabCorp Occupational Testing Services, Inc.; MedExpress/National Laboratory Center)

MedTox Laboratories, Inc., 402 W County Road D, St. Paul, MN 55112, 651-636-7466/800-832-3244

Minneapolis Veterans Affairs Medical Center, Forensic Toxicology Laboratory, 1 Veterans Drive, Minneapolis, MN 55417, 612-725-2088. Testing for Veterans Affairs (VA) Employees Only

Omega Laboratories, Inc.,* 2150 Dunwin Drive, Unit 1 & 2, Mississauga, ON, Canada L5L 5M8, 289-919-3188

Pacific Toxicology Laboratories, 9348 DeSoto Ave., Chatsworth, CA 91311, 800-328-6942 (Formerly: Centinela Hospital Airport Toxicology Laboratory)

Phamatech, Inc., 15175 Innovation Drive, San Diego, CA 92128, 888-635-5840

U.S. Army Forensic Toxicology Drug Testing Laboratory, 2490 Wilson St., Fort George G. Meade, MD 20755-5235, 301-677-7085, Testing for Department of Defense (DoD) Employees Only

The following laboratory is voluntarily withdrawing from the National Laboratory Certification Program effective January 10, 2025:

Laboratory Corporation of America, 1225 NE 2nd Ave., Portland, OR 97323, 503-413-5295/800-950-5295 (Formerly: Legacy Laboratory Services Toxicology MetroLab)

* The Standards Council of Canada (SCC) voted to end its Laboratory Accreditation Program for Substance Abuse (LAPSA) effective May 12, 1998. Laboratories certified through that program were accredited to conduct forensic urine drug testing as required by U.S. Department of Transportation (DOT) regulations. As of that date, the certification of those accredited Canadian laboratories continued under DOT authority. The responsibility for conducting quarterly performance testing plus periodic on-site inspections of those LAPSA-accredited laboratories was transferred to the U.S. HHS, with the HHS' NLCP contractor continuing to have an active role in the performance testing and laboratory inspection processes. Other Canadian laboratories wishing to be considered for the NLCP may apply directly to the NLCP contractor just as U.S. laboratories do.

Upon finding a Canadian laboratory to be qualified, HHS will recommend that DOT certify the laboratory as meeting the minimum standards of the current Mandatory Guidelines published in the **Federal Register**. After receiving DOT certification, the laboratory will be included in the monthly list of HHS-certified laboratories and participate in the NLCP certification maintenance program. DOT established this process in July 1996 (61 FR 37015) to allow foreign laboratories to participate in the DOT drug testing program.

Anastasia D. Flanagan,
Public Health Advisor, Division of Workplace Programs.

[FR Doc. 2025-02577 Filed 2-12-25; 8:45 am]

BILLING CODE 4160-20-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-749 (Fifth Review)]

Persulfates From China

Determination

On the basis of the record¹ developed in the subject five-year review, the United States International Trade Commission (“Commission”) determines, pursuant to the Tariff Act of 1930 (“the Act”), that revocation of the antidumping duty order on persulfates from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.²

Background

The Commission instituted this review on July 1, 2024 (89 FR 54533) and determined on October 4, 2024, that it would conduct an expedited review (89 FR 87598, November 4, 2024).

The Commission made this determination pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determination in this review on February 10, 2025. The views of the Commission are contained in USITC Publication 5586 (February 2025), entitled *Persulfates from China: Investigation No. 731-TA-749 (Fifth Review)*.

By order of the Commission.

Issued: February 10, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025-02610 Filed 2-12-25; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731-TA-1435, 1436 and 1438-1440 (Review)]

Acetone From Belgium, Singapore, South Africa, South Korea, and Spain; Notice of Commission Determination To Conduct Full Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it will proceed with full reviews pursuant to the Tariff Act of 1930 to determine whether revocation of

the antidumping duty orders on acetone from Belgium, Singapore, South Africa, South Korea, and Spain would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. A schedule for the reviews will be established and announced at a later date.

DATES: February 4, 2025.

FOR FURTHER INFORMATION CONTACT:

Peter Stebbins (202-205-2039), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission’s TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for these reviews may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>.

For further information concerning the conduct of these reviews and rules of general application, consult the Commission’s Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

SUPPLEMENTARY INFORMATION: On February 4, 2025, the Commission determined that it should proceed to full reviews in the subject five-year reviews pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)).¹ The Commission found that the domestic interested party group response to its notice of institution (89 FR 87399, November 1, 2024) was adequate and that the respondent interested party group responses with respect to South Africa and Spain were adequate, and decided to conduct full reviews of the antidumping duty orders on acetone from South Africa and Spain. The Commission also found that the respondent interested party group responses with respect to Belgium, South Korea, and Singapore were inadequate but determined to conduct full reviews of the orders on acetone from those countries in order to promote administrative efficiency in light of its decision to conduct full reviews of the orders with respect to South Africa and Spain. A record of the Commissioners’ votes will be available from the Office

of the Secretary and at the Commission’s website.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.62 of the Commission’s rules.

By order of the Commission.

Issued: February 7, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025-02573 Filed 2-12-25; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA-1485]

Bulk Manufacturer of Controlled Substances Application: Benuvia Operations, LLC

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Benuvia Operations, LLC has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants, therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before April 14, 2025. Such persons may also file a written request for a hearing on the application on or before April 14, 2025.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to <https://www.regulations.gov> and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on <https://www.regulations.gov>. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on December 4, 2024, Benuvia Operations, LLC, 3950 North

¹ The record is defined in § 207.2(f) of the Commission’s Rules of Practice and Procedure (19 CFR 207.2(f)).

² Commissioner Rhonda K. Schmidlein did not participate.

¹ Commissioner David S. Johanson did not participate.

Mays Street, Round Rock, Texas 78665, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substance(s):

| Controlled substance | Drug code | Schedule |
|-----------------------------|-----------|----------|
| Fentanyl-Related Substance. | 9850 | I |
| Amphetamine | 1100 | II |
| Lisdexamfetamine | 1205 | II |

The company plans to bulk manufacture the listed controlled substances for internal research and dosage formulation development. No other activities for these drug codes are authorized for this registration.

Matthew Strait,

Deputy Assistant Administrator.

[FR Doc. 2025-02593 Filed 2-12-25; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA-1488]

Importer of Controlled Substances Application: Veranova, L.P.

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Veranova, L.P. has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants, therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before March 17, 2025. Such persons may also file a written request for a hearing on the application on or before March 17, 2025.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to <https://www.regulations.gov> and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on <https://www.regulations.gov>. If you have received a Comment Tracking

Number, your comment has been successfully submitted and there is no need to resubmit the same comment. All requests for a hearing must be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrisette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrisette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on November 15, 2024, Veranova, L.P., 2003 Nolte Drive, West Deptford, New Jersey 08066-1727, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

| Controlled substance | Drug code | Schedule |
|-------------------------|-----------|----------|
| Coca Leaves | 9040 | II |
| Thebaine | 9333 | II |
| Opium, Raw | 9600 | II |
| Noroxymorphone | 9668 | II |
| Poppy Straw Concentrate | 9670 | II |
| Fentanyl | 9801 | II |

The company plans to import Coca Leaves (9040), Opium, raw (9600), and Poppy Straw Concentrate (9670) in order to bulk manufacture Active Pharmaceutical Ingredients (API) for distribution to its customers. The company plans to also import Thebaine (9333), Noroxymorphone (9668), and Fentanyl (9801) to use as analytical reference standards, both internally and to be sold to their customers for support testing of Veranova, L.P. APIs only. No other activities for these drug codes are authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Matthew Strait,

Deputy Assistant Administrator.

[FR Doc. 2025-02597 Filed 2-12-25; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA-1491]

Importer of Controlled Substances Application: Purisys, LLC

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Purisys, LLC has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants, therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before March 17, 2025. Such persons may also file a written request for a hearing on the application on or before March 17, 2025.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to <https://www.regulations.gov> and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on <https://www.regulations.gov>. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. All requests for a hearing must be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrisette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrisette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on December 10, 2024, Purisys, LLC, 1550 Olympic Drive, Athens, Georgia 30601-1602, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

| Controlled substance | Drug code | Schedule |
|----------------------------|-----------|----------|
| Marihuana Extract | 7350 | I |
| Marihuana | 7360 | I |
| Tetrahydrocannabinols | 7370 | I |
| Nabilone | 7379 | II |
| Phenylacetone | 8501 | II |
| Ecgonine | 9180 | II |
| Levorphanol | 9220 | II |
| Methadone | 9250 | II |
| Thebaine | 9333 | II |
| Opium, raw | 9600 | II |
| Opium, powdered | 9639 | II |
| Opium, granulated | 9640 | II |
| Noroxymorphone | 9668 | II |
| Poppy Straw Concentrate | 9670 | II |
| Tapentadol | 9780 | II |

The company plans to import Opium, Raw (9600), Opium, Powdered (9639) and Opium, Granulated (9640) to manufacture an Active Pharmaceutical Ingredient (API) only for distribution to its customers. The company plans to import Phenylacetone (8501) and Poppy Straw Concentrate (9670), to bulk manufacture other controlled substances for distribution to its customers. The company plans to import impurities of buprenorphine that have been determined by DEA to be captured under Thebaine (9333). In reference to Marihuana Extract (7350), Marihuana (7360), and Tetrahydrocannabinols (7370), the company plans to import as synthetic. The company plans to import an isomer of methadone (9250) not currently available domestically to manufacture a non-controlled substance. No other activities for these drug codes are authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Matthew Strait,
Deputy Assistant Administrator.
[FR Doc. 2025-02600 Filed 2-12-25; 8:45 am]
BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 1447]

Bulk Manufacturer of Controlled Substances Application: Bulk Manufacturer of Marihuana: University of Kentucky Cannabis Center

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: The Drug Enforcement Administration (DEA) is providing notice of an application it has received from an entity applying to be registered to manufacture in bulk basic class(es) of controlled substances listed in schedule I. DEA intends to evaluate this and other pending applications according to its regulations governing the program of growing marihuana for scientific and medical research under DEA registration.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants, therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before April 14, 2025.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to <https://www.regulations.gov> and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on <https://www.regulations.gov>. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment."

SUPPLEMENTARY INFORMATION: The Controlled Substances Act (CSA) prohibits the cultivation and distribution of marihuana except by persons who are registered under the CSA to do so for lawful purposes. In accordance with the purposes specified in 21 CFR 1301.33(a), the Drug Enforcement Administration (DEA) is providing notice that the entity identified below has applied for registration as a bulk manufacturer of schedule I controlled substances. In response, registered bulk manufacturers of the affected basic class(es), and applicants therefor, may submit electronic comments on or objections of the requested registration, as provided in this notice. This notice does not constitute any evaluation or determination of the merits of the application submitted.

The applicant plans to manufacture bulk active pharmaceutical ingredients (APIs) for product development and distribution to DEA registered researchers. If the application for registration is granted, the registrant

would not be authorized to conduct other activity under this registration aside from those coincident activities specifically authorized by DEA regulations. DEA will evaluate the application for registration as a bulk manufacturer for compliance with all applicable laws, treaties, and regulations and to ensure adequate safeguards against diversion are in place.

As this applicant has applied to become registered as a bulk manufacturer of marihuana, the application will be evaluated under the criteria of 21 U.S.C. 823(a). DEA will conduct this evaluation in the manner described in the rule published at 85 FR 82333 on December 18, 2020, and reflected in DEA regulations at 21 CFR part 1318.

In accordance with 21 CFR 1301.33(a), DEA is providing notice that on July 1, 2024, University of Kentucky Cannabis Center, 845 Angliana Avenue, Lexington, Kentucky 40508, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substances:

| Controlled substance | Drug code | Schedule |
|----------------------|-----------|----------|
| Marihuana | 7360 | I |

Matthew Strait,
Deputy Assistant Administrator.
[FR Doc. 2025-02595 Filed 2-12-25; 8:45 am]
BILLING CODE 4410-09-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA-1487]

Bulk Manufacturer of Controlled Substances Application: Maridose LLC

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Maridose LLC has applied to be registered as a bulk manufacturer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants, therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before April 14, 2025. Such persons may also file a written request for a hearing on the application on or before April 14, 2025.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to <https://www.regulations.gov> and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on <https://www.regulations.gov>. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.33(a), this is notice that on December 30, 2024, Maridose LLC, 74 Orion Street, Unit 7, Brunswick, Maine 04011, applied to be registered as a bulk manufacturer of the following basic class(es) of controlled substance(s):

| Controlled substance | Drug code | Schedule |
|----------------------------|-----------|----------|
| Marihuana Extract | 7350 | I |
| Marihuana | 7360 | I |
| Tetrahydrocannabinols | 7370 | I |

The company plans to bulk manufacture the listed controlled substances to supply the Drug Enforcement Administration-registered researchers for their approval studies. No other activities for these drug codes are authorized for this registration.

Matthew Strait,

Deputy Assistant Administrator.

[FR Doc. 2025-02596 Filed 2-12-25; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA-1486]

Importer of Controlled Substances Application: Mylan Inc.

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Mylan Inc. has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and

applicants, therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before March 17, 2025. Such persons may also file a written request for a hearing on the application on or before March 17, 2025.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to <https://www.regulations.gov> and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on <https://www.regulations.gov>. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. All requests for a hearing must be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrisette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrisette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 1301.34(a), this is notice that on December 10, 2024, Mylan Inc., 3711 Collins Ferry Road, Morgantown, West Virginia 26505-2362, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

| Controlled substance | Drug code | Schedule |
|-----------------------|-----------|----------|
| Amphetamine | 1100 | II |
| Methylphenidate | 1724 | II |
| Oxycodone | 9143 | II |
| Hydromorphone | 9150 | II |
| Methadone | 9250 | II |
| Morphine | 9300 | II |
| Fentanyl | 9801 | II |

The company plans to import the listed controlled substances as bulk active pharmaceutical ingredients for internal testing purposes only and finished dosage forms for analytical testing and distribution for clinical trials to support foreign market participation. No other activities for these drug codes are authorized for this registration.

Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Matthew Strait,

Deputy Assistant Administrator.

[FR Doc. 2025-02594 Filed 2-12-25; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA-1490]

Importer of Controlled Substances Application: Janssen Pharmaceuticals Inc.

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Janssen Pharmaceuticals Inc. has applied to be registered as an importer of basic class(es) of controlled substance(s). Refer to **SUPPLEMENTARY INFORMATION** listed below for further drug information.

DATES: Registered bulk manufacturers of the affected basic class(es), and applicants, therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before March 17, 2025. Such persons may also file a written request for a hearing on the application on or before March 17, 2025.

ADDRESSES: The Drug Enforcement Administration requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to <https://www.regulations.gov> and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on <https://www.regulations.gov>. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. All requests for a hearing must be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/OALJ, 8701 Morrisette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement

Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for a hearing should also be sent to: Drug Enforcement Administration, Attn: Administrator,

8701 Morrisette Drive, Springfield, Virginia 22152. **SUPPLEMENTARY INFORMATION:** In accordance with 21 CFR 1301.34(a), this is notice that on December 5, 2024, Janssen Pharmaceuticals, Inc., 1440

Olympic Drive, Buildings 1–5 & 7–14, Athens, Georgia 30601–1645, applied to be registered as an importer of the following basic class(es) of controlled substance(s):

| Controlled substance | Drug code | Schedule |
|-----------------------------------------------------------------|-----------|----------|
| Ethylphenidate (ethyl 2-phenyl-2-(piperidin-2-yl)acetate) | 1727 | I |
| Methylphenidate | 1724 | II |

The company plans to import for analytical purposes. No other activities for these drug codes are authorized for this registration. Approval of permit applications will occur only when the registrant’s business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of Food and Drug Administration-approved or non-approved finished dosage forms for commercial sale.

Matthew Strait,
Deputy Assistant Administrator.
[FR Doc. 2025–02599 Filed 2–12–25; 8:45 am]
BILLING CODE P

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

Notice of Meeting: National Intelligence University Board of Visitors

AGENCY: National Intelligence University (NIU), Office of the Director of National Intelligence (ODNI).
ACTION: Notice of Federal Advisory Committee meeting of the National Intelligence University Board of Visitors.

SUMMARY: ODNI is publishing this notice to announce that the following Federal Advisory Committee meeting of the NIU Board of Visitors (BoV) will take place. This meeting is closed to the public.

DATES: Thursday, 27 March, 2025 8:30 a.m. to 5:00 p.m., Bethesda, MD.

ADDRESSES: National Intelligence University, 4600 Sangamore Road, Bethesda, MD 20816.

FOR FURTHER INFORMATION CONTACT: Ms. Patricia “Patty” Larsen, Designated Federal Officer, (301) 243–2118 (Voice), *excom@odni.gov* (email). Mailing address is National Intelligence University, Roberdeau Hall,

Washington, DC 20511. Website: *http://ni-u.edu/wp/about-niu/leadership-2/board-of-visitors/*.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C. 1001–1014), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b), and 41 CFR 102–3.140 and 102–3.150. The meeting includes the discussion of classified information and classified materials regarding intelligence education issues, internal personnel rules and practices of NIU, and pre-decisional strategic planning matters; and the Director of National Intelligence, or her designee, in consultation with the ODNI Office of General Counsel, has determined the meeting will be closed to the public under the exemptions set forth in 5 U.S.C. 552b(c)(1), 552b(c)(2), and 552b(c)(9)(B).

I. Purpose of the Meeting: The Board will discuss and provide written observations and recommendations on matters relating to NIU personnel, budget, facilities, strategic planning, information technology, intelligence programs, and whole of institution assessment data, as well as discuss current classified intelligence education issues.

II. Agenda: Welcome and Call to Order; Opening Remarks; Resources— Budget, Information Technology, Personnel, Whole of Institution Assessment Data, Strategic Planning, Break for Lunch; Administrative Session, Executive Session.

III. Meeting Accessibility: The public or interested organizations may submit written statements to the NIU BoV about its mission and functions. Written statements may be submitted at any time or in response to the stated agenda of a planned meeting of the NIU BoV.

IV. Written Statements: All written statements shall be submitted to the Designated Federal Officer for the NIU BoV, and this individual will ensure

that the written statements are provided to the membership for their consideration.

Dated: January 27, 2025.
Robert A. Newton,
Committee Management Officer and Deputy Chief Operating Officer.
[FR Doc. 2025–02539 Filed 2–12–25; 8:45 am]
BILLING CODE 9500–01–P–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2024–418; MC2025–1177 and K2025–1177; MC2025–1178 and K2025–1178; MC2025–1179 and K2025–1179]

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 18, 2025.

ADDRESSES: Submit comments electronically via the Commission’s Filing Online system at *https://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. Public Proceeding(s)
- III. Summary Proceeding(s)

I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.¹

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such 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 and 39 CFR 3000.114 (Public Representative). Section II also establishes comment deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are consistent with the policies of title 39. 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 3041. Comment deadline(s) for each such request, if any, appear in Section II.

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. See 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary

proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)–(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests.

II. Public Proceeding(s)

1. *Docket No(s)*: CP2024–418; *Filing Title*: USPS Request Concerning Amendment One to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 147, with Material Filed Under Seal; *Filing Acceptance Date*: February 7, 2025; *Filing Authority*: 39 CFR 3035.105 and 39 CFR 3041.505; *Public Representative*: Christopher Mohr; *Comments Due*: February 18, 2025.

2. *Docket No(s)*: MC2025–1177 and K2025–1177; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 617 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: February 7, 2025; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Elsie Lee-Robbins; *Comments Due*: February 18, 2025.

3. *Docket No(s)*: MC2025–1178 and K2025–1178; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 618 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: February 7, 2025; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Jennaca Upperman; *Comments Due*: February 18, 2025.

4. *Docket No(s)*: MC2025–1179 and K2025–1179; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 619 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: February 7, 2025; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Maxine Bradley; *Comments Due*: February 18, 2025.

III. Summary Proceeding(s)

None. See Section II for public proceedings.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2025–02609 Filed 2–12–25; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* February 13, 2025.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on February 3, 2025, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 611 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–1169, K2025–1169.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2025–02561 Filed 2–12–25; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* February 13, 2025.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on February 4, 2025, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 612 to Competitive Product List*. Documents

¹ See Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

are available at www.prc.gov, Docket Nos. MC2025–1170, K2025–1170.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2025–02562 Filed 2–12–25; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* February 13, 2025.

FOR FURTHER INFORMATION CONTACT:

Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on February 6, 2025, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1328 to Competitive Product List*.

Documents are available at www.prc.gov, Docket Nos. MC2025–1175, K2025–1175.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2025–02560 Filed 2–12–25; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* February 13, 2025.

FOR FURTHER INFORMATION CONTACT:

Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on February 3, 2025, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 613 to Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2025–1171, K2025–1171.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2025–02563 Filed 2–12–25; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* February 13, 2025.

FOR FURTHER INFORMATION CONTACT:

Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on February 3, 2025, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 1327 to Competitive Product List*.

Documents are available at www.prc.gov, Docket Nos. MC2025–1172, K2025–1172.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2025–02559 Filed 2–12–25; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102375; File No. SR–CboeBZX–2024–126]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To List and Trade Shares of the BondBloxx Private Credit Trust Under BZX Rule 14.11(f), Trust Issued Receipts

February 7, 2025.

On December 17, 2024, Cboe BZX Exchange, Inc. (“BZX”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”)¹ and Rule 19b–4 thereunder,² a proposed rule change list and trade shares of the BondBloxx Private Credit Trust under BZX Rule 14.11(f). The proposed rule change was published for comment in the **Federal Register** on December 30, 2024.³ The Commission has received no comments regarding the proposed rule change.

Section 19(b)(2) of the Act⁴ 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 for this proposed rule change is February 13, 2025. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,⁵ designates March 30, 2025, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–CboeBZX–2024–126).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ See Securities Exchange Act Release No. 102003 (December 19, 2024), 89 FR 106648.

⁴ 15 U.S.C. 78s(b)(2).

⁵ *Id.*

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-02555 Filed 2-12-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102373; File No. SR-CboeBZX-2025-008]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing of a Proposed Rule Change, as Modified by Amendment No. 1, To List Options on the Fidelity Ethereum Fund

February 7, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b-4 thereunder,² notice is hereby given that on January 24, 2025, Cboe BZX Exchange, Inc. (“Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. On February 3, 2025, the Exchange submitted Amendment No. 1 to the proposed rule change. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to list options on the Fidelity Ethereum Fund. 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/), 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 Rule 19.3 regarding the criteria for underlying securities. Specifically, the Exchange proposes to amend Rule 19.3(i)(4) to allow the Exchange to list and trade options on shares or other securities (“Fund Shares”) that are principally traded on a national securities exchange and are defined as an “NMS stock” under Rule 600 of Regulation NMS and that represent interests in the Fidelity Ethereum Fund (the “Fidelity Fund”).³ Current Rule 19.3(i) provides that, subject to certain other criteria set forth in that Rule, securities deemed appropriate for options trading include Fund Shares that represent certain types of interests,⁴

³ See Securities Exchange Act Release No. 100224 (May 23, 2024), 89 FR 46937 (May 30, 2024) (SR-NYSEArca-2023-70; SR-NYSEArca-2024-31; SR-NASDAQ-2023-045; SR-CboeBZX-2023-069; SR-CboeBZX-2023-070; SR-CboeBZX-2023-087; SR-CboeBZX-2023-095; and SRCboeBZX-2024-018) (Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, to List and Trade Shares of Ether-Based Exchange-Traded Products) (“Ethereum ETP Approval Order”).

⁴ See Rule 19.3(i) which permits options trading on Fund Shares that (1) represent interests in registered investment companies (or series thereof) organized as open-end management investment companies, unit investment trusts or similar entities, and that hold portfolios of securities comprising or otherwise based on or representing investments in indexes or portfolios of securities (or that hold securities in one or more other registered investment companies that themselves hold such portfolios of securities) (“Funds”) and/or financial instruments including, but not limited to, stock index futures contracts, options on futures, options on securities and indexes, equity caps, collars and floors, swap agreements, forward contracts, repurchase agreements and reverse repurchase agreements (the “Financial Instruments”), and money market instruments, including, but not limited to, U.S. government securities and repurchase agreements (the “Money Market Instruments”) constituting or otherwise based on or representing an investment in an index or portfolio of securities and/or Financial Instruments and Money Market Instruments, or (2) represent commodity pool interests principally engaged, directly or indirectly, in holding and/or managing portfolios or baskets of securities, commodity futures contracts, options on commodity futures contracts, swaps, forward 477 contracts and/or options on physical commodities and/or non-U.S. currency (“Commodity Pool ETFs”) or (3) represent interests in a trust or similar entity that holds a specified non-U.S. currency or currencies deposited with the trust or similar entity when aggregated in some specified minimum number may be surrendered to the trust by the beneficial owner to

including interests in certain specific trusts that hold financial instruments, money market instruments, or precious metals (which are deemed commodities).

The Fidelity Fund is an Ethereum-backed commodity ETF structured as a trust. Similar to any Fund Share currently deemed appropriate for options trading under Rule 19.3(i), the investment objective of the Fidelity Fund is for its shares to reflect the performance of Ethereum (less the expenses of the trust’s operations), offering investors an opportunity to gain exposure to Ethereum without the complexities of Ethereum delivery. As is the case for Fund Shares currently deemed appropriate for options trading, the Fidelity Fund’s shares represent units of fractional undivided beneficial interest in the trust, the assets of which consist principally of Ethereum and are designed to track Ethereum or the performance of the price of Ethereum and offer access to the Ethereum market.⁵ The Fidelity Fund provides investors with cost-efficient alternatives that allow a level of participation in the Ethereum market through the securities market. The primary substantive difference between the Fidelity Fund and Fund Shares currently deemed appropriate for options trading are that Fund Shares may hold securities, certain financial instruments, specified precious metals (which are deemed commodities), and Bitcoin (which is also deemed a commodity), while the Fidelity Fund holds Ethereum (which is also deemed a commodity).

The Exchange believes the Fidelity Fund satisfies the Exchange’s initial listing standards for Fund Shares on which the Exchange may list options. Specifically, the Fidelity Fund satisfies the initial listing standards set forth in Rule 19.3(i), as is the case for other Fund Shares on which the Exchange lists options (including trusts that hold commodities). Rule 19.3(i)(1) requires that Fund Shares either (1) meet the criteria and standards set forth in Rule 19.3(a) and (b),⁶ or (2) are available for creation or redemption each business day in cash or in kind from the investment company, commodity pool or other entity at a price related to net

receive the specified non-U.S. currency or currencies and pays the beneficial owner interest and other distributions on the deposited non-U.S. currency or currencies, if any, declared and paid by the trust (“Currency Trust Shares”), or (4) represent interests in the SPDR Gold Trust or are issued by the iShares COMEX Gold Trust or iShares Silver Trust.

⁵ The trust may include minimal cash.

⁶ Rule 19.3(a) and (b) sets forth the criteria an underlying security must meet for the Exchange to be able to list options on the underlying.

⁶ 17 CFR 200.30-3(a)(31).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

asset value, and the investment company, commodity pool or other entity is obligated to provide that Fund Shares may be created even if some or all of the securities and/or cash required to be deposited have not been received by the Fund, the unit investment trust or the management investment company, provided the authorized creation participant has undertaken to deliver the securities and/or cash as soon as possible and such undertaking is secured by the delivery and maintenance of collateral consisting of cash or cash equivalents satisfactory to the Fund, all as described in the Fund's or unit trust's prospectus. The Fidelity Fund satisfies Rule 19.3(i)(1)(B) as each is subject to this creation and redemption process.

While not required by the Rules for purposes of options listings, the Exchange believes the Fidelity Fund satisfies the criteria and guidelines set forth in Rule 19.3(a) and (b). Pursuant to Rule 19.3(a), a security (which

includes a Fund Share) on which options may be listed and traded on the Exchange must be registered with the Securities and Exchange Commission ("Commission") and be an NMS stock (as defined in Rule 600 of Regulation NMS under the Securities Exchange Act of 1934, as amended (the "Act")), and be characterized by a substantial number of outstanding shares that are widely held and actively traded.⁷ The Fidelity Fund is an NMS Stock as defined in Rule 600 of Regulation NMS under the Act.⁸ The Exchange believes the Fidelity Fund is characterized by a substantial number of outstanding shares that are widely held and actively traded.

As of December 23, 2024, the Fidelity Fund had 41,700,000 shares outstanding, which is nearly six times more than the minimum number of shares of a corporate stock (*i.e.*, 7,000,000 shares) that the Exchange generally requires to list options on that stock pursuant to Rule 19.3(b)(1). The

Exchange believes this demonstrates that the Fidelity Fund is characterized by a substantial number of outstanding shares.

Further, as of November 26, 2024, there were 38,170 beneficial holders of shares of the Fidelity Fund, which is significantly more than 2,000 beneficial holders (approximately 19 times more), which is the minimum number of holders the Exchange generally requires for corporate stock in order to list options on that stock pursuant to Rule 19.3(b). Therefore, the Exchange believes the shares of the Fidelity Fund are widely held.⁹

The Exchange also believes the shares of the Fidelity Fund are actively traded. As of December 23, 2024, the total trading volume (by shares) and the approximate average daily volume ("ADV") (in shares and notional) from July 23, 2024 (the date on which shares of the Fidelity Fund began trading) to December 23, 2024 for the Fidelity Fund was as follows:

| Trading volume (shares) | ADV (shares) | ADV (notional \$) |
|-------------------------|--------------|-------------------|
| 115,589,047 | 1,070,269 | 33,864,193 |

As demonstrated above, despite the fact that the Fidelity Fund has been trading for approximately five months as of December 23, 2024, its total trading volume as of that date was substantially higher than 2,400,000 shares (more than 48 times that amount), which is the minimum 12-month volume the Exchange generally requires for a corporate stock in order to list options on that security as set forth in Rule 19.3(b). Additionally, as of December 23, 2024, the trading volume for the Fidelity Fund was in the top 5% of all ETFs that are currently trading. The Exchange believes this data demonstrates the Fidelity Fund is characterized as having shares that are actively traded.

Options on the Fidelity Fund will be subject to the Exchange's continued listing standards set forth in Rule 19.4(g) for Fund Shares deemed appropriate for options trading pursuant to Rule 19.3(i). Specifically, 19.4(g) provides that Fund

Shares that were initially approved for options trading pursuant to Rule 19.3 will not be deemed to meet the requirements for continued approval, and the Exchange shall not open for trading any additional series of option contracts of the class covering such Fund Shares if the security ceases to be an NMS stock (see Rule 19.4(b)(4)). Additionally, the Exchange will not open for trading any additional series of option contracts of the class covering Fund Shares in any of the following circumstances: (1) in the case of options covering Fund Shares approved for trading under Rule 19.3(i)(4)(A), in accordance with the terms of Rule 19.4(b)(1), (2) and (3); (2) in the case of options covering Fund Shares approved pursuant to Rule 19.3(i)(4)(B), following the initial 12-month period beginning upon the commencement of trading in the Fund Shares on a national securities exchange and are defined as NMS stock under Rule 600 of Regulation NMS,

there were fewer than 50 record and/or beneficial holders of such Fund Shares for 30 consecutive days; (3) the value of the index, non-U.S. currency, portfolio of commodities including commodity futures contracts, options on commodity futures contracts, swaps, forward contracts and/or options on physical commodities and/or Financial Instruments or Money Market Instruments, or portfolio of securities on which the Fund Shares are based is no longer calculated or available; or (4) such other event occurs or condition exists that in the opinion of the Exchange makes further dealing in such options on the Exchange inadvisable.

Options on the Fidelity Fund will be physically settled contracts with American-style exercise.¹⁰ Consistent with current Rule 19.6, which governs the opening of options series on a specific underlying security (including Fund Shares), the Exchange will open at least one expiration month for options

⁷ The criteria and guidelines for a security to be considered widely held and actively traded are set forth in Rule 19.3(b), subject to exceptions.

⁸ An "NMS stock" means any NMS security other than an option, and an "NMS security" means any security or class of securities for which transaction reports are collected, processed, and made available pursuant to an effective transaction reporting plan (or an effective national market system plan for reporting transaction in listed options). See 17 CFR

242.600(b)(64) (definition of "NMS security") and (65) (definition of "NMS stock").

⁹ The Exchange continues to believe assets under management ("AUM"), rather than shares outstanding and number of holders, is a better measure of investable capacity of ETFs and a more appropriate figure for determining position and exercise limits of ETFs and looks forward to further discussions with the Commission staff on this topic.

¹⁰ See Rule 19.2, which provides that the rights and obligations of holders and writers are set forth

in the Rules of the Options Clearing Corporation ("OCC"); and Equity Options Product Specifications January 3, 2024), available at Equity Options Specifications (*choe.com*); see also OCC Rules, Chapters VIII (which governs exercise and assignment) and Chapter IX (which governs the discharge of delivery and payment obligations arising out of the exercise of physically settled stock option contracts).

on the Fidelity Fund¹¹ at the commencement of trading on the Exchange and may also list series of options on the Fidelity Fund for trading on a weekly,¹² monthly,¹³ or quarterly¹⁴ basis. The Exchange may also list long-term equity option series (“LEAPS”) that expire from 12 to 39 months from the time they are listed.¹⁵

Pursuant to Rule 19.6, Interpretation and Policy .01, which governs strike prices of series of options on Fund Shares, the interval of strikes prices for series of options on the Fidelity Fund will be \$1 or greater when the strike price is \$200 or less and \$5 or greater where the strike price is over \$200.¹⁶ Additionally, the Exchange may list

series of options pursuant to the \$1 Strike Price Interval Program,¹⁷ the \$0.50 Strike Program,¹⁸ the \$2.50 Strike Price Program,¹⁹ and the \$5 Strike Program.²⁰ Pursuant to Rule 21.5, where the price of a series of a Fidelity Fund option is less than \$3.00, the minimum increment will be \$0.05, and where the price is \$3.00 or higher, the minimum increment will be \$0.10.²¹ Any and all new series of Fidelity Fund options that the Exchange lists will be consistent and comply with the expirations, strike prices, and minimum increments set forth in Rules 19.6 and 21.5, as applicable.

Pursuant to Rules 18.7 and 18.9, the position and exercise limits,

respectively, for Fidelity Fund options will be 25,000 same side option contracts.²²

The Exchange believes these proposed position and exercise limits are reasonable and appropriate considering, among other things, the ADV (since trading of the Fidelity Fund began on July 23, 2024) and outstanding shares of the Fidelity Fund (which as discussed above demonstrate that the Fidelity Fund is widely held and actively traded and thus justify these conservatively proposed position limits), as set forth below, along with market capitalization (as of December 23, 2024):

| ADV (shares) | Outstanding shares | Market capitalization (\$) |
|--------------|--------------------|----------------------------|
| 1,070,269 | 41,700,000 | 1,433,229,000 |

The Exchange then compared the number of outstanding shares of the Fidelity Fund to those of other ETFs. The approximate average position (and exercise limit) of ETF options with similar outstanding shares (as of December 31, 2024) was approximately 102,703 contracts, which is significantly higher (approximately 4 times) than the proposed position and exercise limit of 25,000 contracts for Fidelity Fund options.²³ As discussed above, shares of the Fidelity Fund are actively held and widely traded: (1) the Fidelity Fund (as of December 23, 2024) had significantly more than 7,000,000 shares outstanding, which is the minimum number of shares of a corporate stock that the Exchange generally requires to list options on that stock pursuant to Rule 19.3(b)(1); (2) the Fidelity Fund (as of November 26, 2024)

had significantly more than 2,000 beneficial holders, which is the minimum number of holders the Exchange generally requires for corporate stock in order to list options on that stock pursuant to Rule 19.3(b)(2); and (3) the Fidelity Fund had a trading volume in the approximately five-month time period since it began trading substantially higher than 2,400,000 shares, which is the minimum 12-month volume the Exchange generally requires for a security in order to list options on that security as set forth in Rule 19.3(b)(4).

With respect to outstanding shares, if a market participant held the maximum number of positions possible pursuant to the proposed position and exercise limits, the equivalent shares represented by the proposed position/exercise limit

would represent approximately 6.0% of the 41,700,000 current outstanding shares of the Fidelity Fund. Therefore, if a market participant held the maximum permissible options positions in Fidelity Fund options and exercised all of them at the same time, that market participant would control a small percentage of the outstanding shares of the Fidelity Fund.

Cboe Options Rule 8.30, Interpretation and Policy .02 (which governs position limits on the Exchange pursuant to Rule 18.7), provides two methods of qualifying for a position limit tier above 25,000 option contracts. The first method is based on six-month trading volume in the underlying security, and the second method is based on slightly lower six-month trading volume *and* number of shares

¹¹ See Rule 19.6(b). The monthly expirations are subject to certain listing criteria for underlying securities described within Rule 19.3. Monthly listings expire the third Friday of the month. The term “expiration date” (unless separately defined elsewhere in the OCC By-Laws), when used in respect of an option contract (subject to certain exceptions), means the third Friday of the expiration month of such option contract, or if such Friday is a day on which the exchange on which such option is listed is not open for business, the preceding day on which such exchange is open for business. See OCC By-Laws Article I, Section 1. Pursuant to Rule 19.6(c), additional series of options of the same class may be opened for trading on the Exchange when the Exchange deems it necessary to maintain an orderly market, to meet customer demand or when the market price of the underlying stock moves more than five strike prices from the initial exercise price or prices. New series of options on an individual stock may be added until the beginning of the month in which the options contract will expire. Due to unusual market conditions, the Exchange, in its discretion, may add a new series of options on an individual stock until

the close of trading on the business day prior to expiration.

¹² See Rule 19.6, Interpretation and Policy .05.

¹³ See Rule 19.6, Interpretation and Policy .08.

¹⁴ See Rule 19.6, Interpretation and Policy .04.

¹⁵ See Rule 19.8.

¹⁶ The Exchange notes that for options listed pursuant to the Short Term Option Series Program, the Monthly Options Series Program, and the Quarterly Options Series Program, Rule 19.6, Interpretations and Policies .05, .08, and .04 specifically sets forth intervals between strike prices on Quarterly Options Series, Short Term Option Series, and Monthly Options Series, respectively.

¹⁷ See Rule 19.6, Interpretation and Policy .02.

¹⁸ See Rule 19.6, Interpretation and Policy .06.

¹⁹ See Rule 19.6, Interpretation and Policy .03.

²⁰ See Rule 19.6(d)(5).

²¹ If options on a Bitcoin Fund are eligible to participate in the Penny Interval Program, the minimum increment will be \$0.01 for series with a price below \$3.00 and \$0.05 for series with a price at or above \$3.00. See 21.5(d) (which describes the requirements for the Penny Interval Program).

²² Rule 18.7(a)(1) provides that no Options Member shall make, for any account in which it has any interest or for the account of any Customer, an opening transaction on any exchange if the Options Member has reason to believe that as a result of such transaction the Options Member or its Customer would, acting alone or in concert with others, directly or indirectly, exceed the applicable position limit fixed by Cboe Exchange, Inc. (“Cboe Options”). Cboe Options currently has a nearly identical rule filing pending with the Commission to amend Cboe Options Rule 8.30, Interpretation and Policy .10 (and Cboe Options Rule 8.42) to establish a position and exercise limit for Fidelity Fund options of 25,000. See Securities Exchange Act Release No. 100862 (August 28, 2024), 89 FR 72146 (September 4, 2024) (SR–CBOE–2024–036) (“Cboe Fidelity Fund Proposal”). If the Commission approves the Cboe Fidelity Fund Proposal, the position and exercise limits in that filing would then apply to the Exchange.

²³ The position limits for those ETF options for which the underlying ETFs had similar outstanding shares were all 50,000 or above, and nearly half of them had position limits of 200,000 or 250,000 contracts.

outstanding in the underlying security. An underlying stock or ETF that qualifies for method two based on trading volume and number of shares outstanding would be required to have the minimum number of outstanding

shares as shown in middle column of the table below.

The table, which provides the equivalent shares of the position limits applicable to equity options, including ETFs, further represents the percentages

of the minimum number of outstanding shares that an underlying stock or ETF must have to qualify for that position limit (under the second method described above).

| Position/exercise limit (in equivalent shares) | Minimum outstanding shares | Percentage of outstanding shares (%) |
|---------------------------------------------------|-------------------------------|--------------------------------------------|
| 2,500,000 | 6,300,000 | 40.0 |
| 5,000,000 | 40,000,000 | 12.5 |
| 7,500,000 | 120,000,000 | 6.3 |
| 20,000,000 | 240,000,000 | 8.3 |
| 25,000,000 | 300,000,000 | 8.3 |

The equivalent shares represented by the proposed position and exercise limits for the Fidelity Fund as a percentage of outstanding shares of the Fidelity Fund is significantly lower than the percentage for the lowest possible position limit for equity options of 25,000, which is the position limit the Exchange is proposing for Fidelity Fund options.²⁴

Further, the proposed position and exercise limit for Fidelity Fund options is equal to the lowest position and exercise limits available in the options industry for equity options, are extremely conservative and more than appropriate given the market capitalization, average daily volume, and high number of outstanding shares of the Fidelity Fund. The proposed position and exercise limit for the Fidelity Fund is also equal to the position and exercise limits for ETFs that hold Bitcoin, as recently approved by the Commission.²⁵

All of the above information demonstrates that the proposed position and exercise limits for Fidelity Fund

options are more than reasonable and appropriate. The trading volume, ADV, and outstanding shares of the Fidelity Fund demonstrate that its shares are actively traded and widely held, and proposed position and exercise limit is well below those of options on other ETFs with similar market characteristics. The proposed position and exercise limit would be the lowest position and exercise limit available for equity options in the industry, are extremely conservative, and are more than appropriate given the Fidelity Fund's market capitalization, ADV, and high number of outstanding shares.

Fidelity Fund options will trade in the same manner as any other Fund Share options on the Exchange. The Exchange Rules that currently apply to the listing and trading of all Fund Share options on the Exchange, including, for example, Rules that govern listing criteria, expirations, exercise prices, minimum increments, margin requirements, customer accounts, and trading halt procedures will apply to the listing and trading of Fidelity Fund options on the Exchange in the same manner as they apply to other options on all other Fund Shares that are listed and traded on the Exchange, including the precious-metal backed commodity Fund Shares already deemed appropriate for options trading on the Exchange pursuant to current Rule 19.3(i).

Today, the Exchange has an adequate surveillance program in place for options. The Exchange intends to apply those same program procedures to options on the Fidelity Fund that it applies to the Exchange's other options products.²⁶ The Exchange's market surveillance staff would have access to the surveillances conducted by the Exchange with respect to the Fidelity

Fund and would review activity in the Fidelity Fund when conducting surveillances for market abuse or manipulation in the options on the Fidelity Fund. Additionally, the Exchange is a member of the Intermarket Surveillance Group ("ISG") under the Intermarket Surveillance Group Agreement. ISG members work together to coordinate surveillance and investigative information sharing in the stock, options, and futures markets. In addition to obtaining information from the Exchange's equities, the Exchange would be able to obtain information regarding trading of shares of the Fidelity Fund through ISG.

In addition, the Exchange has a Regulatory Services Agreement with the Financial Industry Regulatory Authority ("FINRA") for certain market surveillance, investigation and examinations functions. Pursuant to a multi-party 17d-2 joint plan, all options exchanges allocate amongst themselves and FINRA responsibilities to conduct certain options-related market surveillance that are common to rules of all options exchanges.²⁷ The underlying shares of spot Ethereum exchange-traded products ("ETPs"), including the Fidelity Fund, are also subject to safeguards related to addressing market abuse and manipulation. As the

²⁴ As these percentages are based on the minimum number of outstanding shares an underlying security must have to qualify for the applicable position limit, these are the highest possible percentages that would apply to any option subject to that position and exercise limit. 6,300,000 is the minimum number of outstanding shares an underlying security must have for the Exchange to continue to list options on that security, so this would be the smallest number of outstanding shares permissible for any corporate option that would have a position limit of 25,000 contract. See Rule 19.4(b)(1). This rule applies to corporate stock options but not ETF options, which currently have no requirement regarding outstanding shares of the underlying ETF for the Exchange to continue listing options on that ETF. Therefore, there may be ETF options trading for which the 25,000 contract position limits represents an even larger percentage of outstanding shares of the underlying ETF than set forth above.

²⁵ See Securities Exchange Act Release No. 101387 (October 18, 2024), 89 FR 84948 (October 24, 2024) (SR-CBOE-2024-035) ("Bitcoin ETF Option Approval"); see also Cboe Options Rules 8.30, Interpretation and Policy .10 and 8.42 (which applies to the Exchange pursuant to Rule 18.7 and 18.9).

²⁶ The surveillance program includes surveillance patterns for price and volume movements as well as patterns for potential manipulation (e.g., spoofing and marking the close).

²⁷ Section 19(g)(1) of the Act, among other things, requires every self-regulatory organization ("SRO") registered as a national securities exchange or national securities association to comply with the Act, the rules and regulations thereunder, and the SRO's own rules, and, absent reasonable justification or excuse, enforce compliance by its members and persons associated with its members. See 15 U.S.C. 78q(d)(1) and 17 CFR 240.17d-2. Section 17(d)(1) of the Act allows the Commission to relieve an SRO of certain responsibilities with respect to members of the SRO who are also members of another SRO ("common members"). Specifically, Section 17(d)(1) allows the Commission to relieve an SRO of its responsibilities to: (i) receive regulatory reports from such members; (ii) examine such members for compliance with the Act and the rules and regulations thereunder, and the rules of the SRO; or (iii) carry out other specified regulatory responsibilities with respect to such members.

Commission stated in its order approving proposals of several exchanges to list and trade shares of spot Ethereum-based ETPs, “[e]ach Exchange has a comprehensive surveillance-sharing agreement with the [Chicago Mercantile Exchange (“CME”)] via their common membership in the Intermarket Surveillance Group. This facilitates the sharing of information that is available to the CME through its surveillance of its markets, including its surveillance of the CME bitcoin futures market.”²⁸ The Exchange states that, given the consistently high correlation between the CME Ethereum futures market and the spot Ethereum market, as confirmed by the Commission through robust correlation analysis, the Commission was able to conclude that such surveillance sharing agreements could reasonably be “expected to assist in surveilling for fraudulent and manipulative acts and practices in the specific context of the [Ethereum ETPs].”²⁹ In light of surveillance measures related to both options and futures as well as the Fidelity Fund,³⁰ the Exchange believes that existing surveillance procedures are designed to deter and detect possible manipulative behavior which might potentially arise from listing and trading the proposed options on the Fidelity Fund. Further, the Exchange will implement any new surveillance procedures it deems necessary to effectively monitor the trading of options on the Fidelity Fund.

The Exchange has also analyzed its capacity and represents that it believes the Exchange and OPRA have the necessary systems capacity to handle the additional traffic associated with the listing of new series that may result from the introduction of options on the Fidelity Fund up to the number of expirations currently permissible under the Rules. Because the proposal is limited to one class, the Exchange believes any additional traffic that may be generated from the introduction of Fidelity Fund options will be manageable.

The Exchange believes that offering options on the Fidelity Fund will benefit investors by providing them with an additional, relatively lower cost investing tool to gain exposure to the price of Ethereum and hedging vehicle

to meet their investment needs in connection with Ethereum-related products and positions. The Exchange expects investors will transact in options on the Fidelity Fund in the unregulated over-the-counter (“OTC”) options market,³¹ but may prefer to trade such options in a listed environment to receive the benefits of trading listed options, including (1) enhanced efficiency in initiating and closing out positions; (2) increased market transparency; and (3) heightened contra-party creditworthiness due to the role of OCC as issuer and guarantor of all listed options. The Exchange believes that listing Fidelity Fund options may cause investors to bring this liquidity to the Exchange, would increase market transparency and enhance the process of price discovery conducted on the Exchange through increased order flow. The Fund Shares that hold financial instruments, money market instruments, or precious metal commodities on which the Exchange may already list and trade options are trusts structured in substantially the same manner as the Fidelity Fund and essentially offer the same objectives and benefits to investors, just with respect to different assets. The Exchange notes that it has not identified any issues with the continued listing and trading of any Fund Share options, including Fund Shares that hold commodities (*i.e.*, precious metals) that it currently lists and trades on the Exchange. The Exchange notes that quotation and last sale information for shares of the Fidelity Fund are available from the CTA high-speed lines, as well as from the Exchange’s equities market (on which the shares are primarily listed). Quotation and last sale information for options on the Fidelity Fund will be available from OPRA and market data vendors.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.³² Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)³³ 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)³⁴ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that the proposal to list and trade options on the Fidelity Fund will remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, protect investors because offering options on the Fidelity Fund will provide investors with an opportunity to realize the benefits of utilizing options on the Fidelity Fund, including cost efficiencies and increased hedging strategies. The Exchange believes that offering Fidelity Fund options will benefit investors by providing them with a relatively lower-cost risk management tool, which will allow them to manage their positions and associated risk in their portfolios more easily in connection with exposure to the price of Ethereum and with Ethereum-related products and positions. Additionally, the Exchange’s offering of Fidelity Fund options will provide investors with the ability to transact in such options in a listed market environment as opposed to in the unregulated OTC options market, which would increase market transparency and enhance the process of price discovery conducted on the Exchange through increased order flow to the benefit of all investors. The Exchange also notes that it already lists (or has the authority to list) options on other commodity-based Fund Shares,³⁵ which, as described above, are trusts structured in substantially the same manner as the Fidelity Fund and essentially offer the same objectives and benefits to investors, just with respect to a different commodity (*i.e.*, Ethereum rather than Bitcoin or precious metals) and for which the Exchange has not identified any issues with the continued listing and trading of commodity-backed Fund Share options it currently lists for trading.

The Exchange also believes the proposed rule change will remove

²⁸ See Ethereum ETP Approval Order, 89 FR at 46938.

²⁹ See Ethereum ETP Approval Order, 89 FR at 46939.

³⁰ See Amendment No. 2 to SR–CboeBZX–2023–095, Proposed Rule Change To List and Trade Shares of the Fidelity Ethereum Fund Under BZX Rule 14.11(e)(4), Commodity-Based Trust Shares (filed May 21, 2024); see also Ethereum ETP Approval Order.

³¹ The Exchange understands from customers that investors have historically transacted in options on Units in the OTC options market if such options were not available for trading in a listed environment.

³² 15 U.S.C. 78f(b).

³³ 15 U.S.C. 78f(b)(5).

³⁴ *Id.*

³⁵ See Rule 19.3(i)(4).

impediments to and perfect the mechanism of a free and open market and a national market system, because it is consistent with current Exchange Rules previously filed with the Commission. Options on the Fidelity Fund satisfy the initial listing standards and continued listing standards currently in the Exchange Rules applicable to options on all Fund Shares, including Fund Shares that hold other commodities already deemed appropriate for options trading on the Exchange. Additionally, as demonstrated above, the Fidelity Fund is characterized by a substantial number of shares that are widely held and actively traded. Fidelity Fund options will trade in the same manner as any other Fund Share options—the same Exchange Rules that currently govern the listing and trading of all Fund Share options, including permissible expirations, strike prices and minimum increments, and applicable margin requirements, will govern the listing and trading of options on the Fidelity Fund in the same manner.

The Exchange believes the proposed position and exercise limits are designed to prevent fraudulent and manipulative acts and practices and promote just and equitable principles of trade, as they are designed to address potential manipulative schemes and adverse market impacts surrounding the use of options, such as disrupting the market in the security underlying the options. The proposed position and exercise limits in this are 25,000 contracts, which is currently the lowest limit applicable to any equity options (including ETF options) and the position and exercise limits that apply to comparable ETFs that hold Bitcoin.³⁶ The Exchange believes the proposed position and exercise limits are extremely conservative for Fidelity Fund options given the trading volume and outstanding shares for the Fidelity Fund. The information above demonstrates that the average position and exercise limits of options on ETFs with comparable outstanding shares and trading volume to those of the Fidelity Fund are significantly higher than the proposed position and exercise limits for Fidelity Fund options. Therefore, the proposed position and exercise limits for Fidelity Fund options are conservative relative to options on ETFs with comparable market characteristics.

Further, given that the issuer of the Fidelity Fund may create and redeem shares that represent an interest in Ethereum, the Exchange believes it is relevant to compare the size of a

position limit to the market capitalization of the Ethereum market. As of December 23, 2024, the global supply of Ethereum was approximately 120,000,000 coins, and the price of one Ethereum coin was approximately \$3,494.25,³⁷ which equates to a market capitalization of approximately \$419.31 billion. Consider the proposed position and exercise limit of 25,000 option contracts for the Fidelity Fund option. A position and exercise limit of 25,000 same side contracts effectively restricts a market participant from holding positions that could result in the receipt of no more than 2,500,000 of Fidelity Fund shares (if that market participant exercised all its options). Using a share price of \$34.37 on December 23, 2024, the value of 2,500,000 shares of the Fidelity Fund at that price is \$85,925,000, and the approximate percentage of that value of the size of the Ethereum market is 0.02%. Therefore, if a market participant with the maximum 25,000 same side contracts in Fidelity Fund options exercised all positions at one time, such an event would have no practical impact on the Ethereum market.

The Exchange also believes the proposed position and exercise limits are appropriate given position limits for Ethereum futures. For example, the Chicago Mercantile Exchange (“CME”) imposes a position limit of 8,000 futures (for the initial spot month) on its Ethereum futures contract.³⁸ On December 23, 2024, CME Dec 24 Ethereum Futures settled at approximately \$3,418.00. A position of 8,000 CME Ethereum futures, therefore, would have a notional value of \$1,367,200,000. A position of approximately 397,789 option contracts would equate to that notional value.³⁹ This approximate number of option contracts for the Fidelity Fund that equate to the notional value of CME Ethereum futures is significantly higher than the proposed limit of 25,000 options contract for the Fidelity Fund option. The fact that many options

³⁷ See Ethereum Price (ETH), Market Cap, Price Today & Chart History—Blockworks.

³⁸ See CME Rulebook Chapter 349 (description of CME Ether Futures) and Chapter 5, Position Limit, Position Accountability and Reportable Level Table in the Interpretations & Special Notices. Each CME Ethereum futures contract is valued at 50 Ethereum as defined by the CME CF Ether Reference Rate (“BRR”). See CME Rule 35001.

³⁹ The notional value of the futures is calculated as follows: 8,000 futures × 50 (the futures multiplier) × \$3,418 (the price of one future) = \$1,367,200,000. The number of option contracts that equates to that notional value is calculated as follows: \$1,367,200,000/notional value of one option contract (\$34.37 (share price of Fidelity Fund) × 100 (option multiplier)) = 397,789 option contracts.

ultimately expire out-of-the-money and thus are not exercised for shares of the underlying, while the delta of a Ethereum Future is 1, further demonstrates how conservative the proposed limit of 25,000 options contracts are for the Fidelity Fund options.

The Exchange notes, unlike options contracts, CME position limits are calculated on a net futures-equivalent basis by contract and include contracts that aggregate into one or more base contracts according to an aggregation ratio(s).⁴⁰ Therefore, if a portfolio includes positions in options on futures, CME would aggregate those positions into the underlying futures contracts in accordance with a table published by CME on a delta equivalent value for the relevant spot month, subsequent spot month, single month and all month position limits.⁴¹ If a position exceeds position limits because of an option assignment, CME permits market participants to liquidate the excess position within one business day without being considered in violation of its rules. Additionally, if at the close of trading, a position that includes options exceeds position limits for futures contracts, when evaluated using the delta factors as of that day’s close of trading but does not exceed the limits when evaluated using the previous day’s delta factors, then the position shall not constitute a position limit violation. Considering CME’s position limits on futures for Ethereum, the Exchange believes that that the proposed same side position limits are more than appropriate for Fidelity Fund options.

The Exchange believes the proposed position and exercise limits will have no material impact to the supply of Ethereum. For example, consider again the proposed position limit of 25,000 option contracts for the Fidelity Fund option. As noted above, a position limit of 25,000 same side contracts effectively restricts a market participant from holding positions that could result in the receipt of no more than 2,500,000 shares of the Fidelity Fund (if that market participant exercised all its options). As of December 23, 2024, the Fidelity Fund had 41,700,000 shares outstanding. This means that the approximate number of market participants that could hold the maximum of 25,000 same side positions in the Fidelity Fund that would equate

⁴⁰ See CME Rulebook Chapter 5, Position Limit, Position Accountability and Reportable Level Table in the Interpretations & Special Notices.

⁴¹ *Id.*

³⁶ See Cboe Options Rule 8.30.

to the number of shares outstanding of that Fund is 16.

This means if 16 market participants had 25,000 same side positions in Fidelity Fund options, each of them would have to simultaneously exercise all of those options to create a scenario that may put the underlying security under stress. The Exchange believes it is highly unlikely for such an event to occur; however, even if either such event did occur, the Exchange would not expect the Fidelity Fund to be under stress because such an event would merely induce the creation of more shares through the trust's creation and redemption process.

As of December 23, 2024, the global supply of Ethereum was approximately 120,000,000, and the price of one Ethereum coin was approximately \$3,418.00,⁴² which equates to a market capitalization of approximately \$419.31 billion. Based on the \$34.37 price of a Fidelity Fund share on December 23, 2024, a market participant could have redeemed one Ethereum for approximately 99 Fidelity Fund shares. Another 11,880,000,000 Fidelity Fund shares could be created before the then-circulating global supply of Ethereum was exhausted. As a result, 4,752 market participants would have to simultaneously exercise 25,000 same side positions in Fidelity Fund options to receive shares of the Fidelity Fund holding the entire global supply of Ethereum. Unlike the Fidelity Fund, the number of shares that corporations may issue is limited. However, like corporations, which authorize additional shares, repurchase shares, or split their shares, the Fidelity Fund may create, redeem, or split shares in response to demand. Additionally, the supply of Ethereum is unlimited.⁴³ The current supply of Ethereum is larger than the available supply of most securities.⁴⁴ Given the significant unlikelihood of any of these events ever occurring, the Exchange does not believe options on the Fidelity Fund should be subject to position and exercise limits even lower than those

⁴² See Ethereum Price (ETH), Market Cap, Price Today & Chart History—Blockworks.

⁴³ See Ethereum Price (ETH), Market Cap, Price Today & Chart History—Blockworks; *see also* Amendment No. 5 to Form S-1 Registration Statement No. 333-278249, Fidelity Fund, filed July 17, 2024, at 17 (noting that approximately 1,700 Ethereum are issued per day, subject to various factors); and Amendment No. 3 to Form S-1 Registration Statement No. 333-257474, ARK 21 Fund, filed May 10, 2024, at 15–16 (noting that approximately 1,700 Ethereum are issued per day, subject to various factors).

⁴⁴ The market capitalization of Ethereum would rank in the top 25 among securities. *See* <https://companiesmarketcap.com/usa/largest-companies-in-the-usa-by-market-cap/>.

proposed (which are already equal to the lowest available limit for equity options in the industry) to protect the supply of Ethereum.

The Exchange believes the available supply of Ethereum is not relevant to the determination of position and exercise limits for options overlying the Fidelity Fund.⁴⁵ Position and exercise limits are not a tool that should be used to address a potential limited supply of the underlying of the instrument underlying the option (in this case, the Ethereum being held within the Fidelity Fund). Position and exercise limits do not limit the total number of options that may be held, but rather they limit the number of positions a single customer may hold or exercise at one time.⁴⁶ “Since the inception of standardized options trading, the options exchanges have had rules imposing limits on the aggregate number of options contracts that a member or customer could hold or exercise.”⁴⁷ Position and exercise limit rules are intended “to prevent the establishment of options positions that can be used or might create incentives to manipulate or disrupt the underlying market so as to benefit the options position. In particular, position and exercise limits are designed to minimize the potential for mini-manipulations

⁴⁵ The Exchange is unaware of any proposed rule change related to position and exercise limits for any equity option (including commodity ETF options) for which the Commission required consideration of whether the available supply of an underlying (whether it be a corporate stock or an ETF) or the contents of an ETF (commodity or otherwise) should be considered when an exchange proposed to establish those limits, other than recently with respect to ETFs that hold Bitcoin. *See, e.g.,* Securities Exchange Act Release No. 57894 (May 30, 2008), 73 FR 32061 (June 5, 2008) (SR-CBOE-2005-11) (approval order in which the Commission stated that the “listing and trading of Gold Trust Options will be subject to the exchanges’ rules pertaining to position and exercise limits and margin”); *compare to* Bitcoin ETF Option Approval. The Exchange notes when the Commission approved the filing to list options on an ETF holding gold, filing, the position limits in Cboe Options Rule 8.30 were the same as they are today. For reference, the current position and exercise limits for options on SPDR Gold Shares ETF (“GLD”) and options on iShares Silver Trust (“SLV”) are 250,000 contracts, or 10 times that proposed position and exercise limit for the Fidelity Fund options.

⁴⁶ For example, suppose an option has a position limit of 25,000 option contracts and there are a total of 10 investors trading that option. If all 10 investors max out their positions, that would result in 250,000 option contracts outstanding at that time. However, suppose 10 more investors decide to begin trading that option and also max out their positions. This would result in 500,000 option contracts outstanding at that time. An increase in the number of investors could cause an increase in outstanding options even if position limits remain unchanged.

⁴⁷ See Securities Exchange Act Release No. 39489 (December 24, 1997), 63 FR 276 (January 5, 1998) (SR-CBOE-1997-11).

and for corners or squeezes of the underlying market. In addition, such limits serve to reduce the possibility for disruption of the options market itself, especially in illiquid options classes.”⁴⁸

The Exchange notes that a Registration Statement on Form S-1 was filed with the Commission for the Fidelity Fund, which described the supply of Ethereum and the potential limits to that supply.⁴⁹ The Registration Statement permits an unlimited number of shares of the Fidelity Fund to be created. Further, the Commission approved the listing and trading of shares of the Fidelity Fund, which approval did not comment on the sufficient supply of Ethereum or address whether there was a risk that permitting an unlimited number of shares for the Fidelity Fund would impact the supply of Ethereum.⁵⁰ Therefore, the Exchange believes the Commission had ample time and opportunity to consider whether the supply of Ethereum was sufficient to permit the creation of unlimited Fidelity Fund shares, and does not believe considering this supply with respect to the establishment of position and exercise limits is appropriate given its lack of relevance to the purpose of position and exercise limits. However, given the significant size of the Ethereum supply, the proposed positions limit is more than sufficient to protect investors and the market.

Based on the above information demonstrating, among other things, that the Fidelity Fund is characterized by a substantial number of outstanding shares that are actively traded and widely held, the Exchange believes the proposed position and exercise limits are extremely conservative compared to those of ETF options with similar market characteristics. The proposed position and exercise limits reasonably and appropriately balance the liquidity provisioning in the market against the prevention of manipulation. The Exchange believes these proposed limits are effectively designed to prevent an individual customer or entity from establishing options positions that could be used to manipulate the market of the underlying as well as the Ethereum market.⁵¹

The Exchange represents that it has the necessary systems capacity to support the new Fidelity Fund options.

⁴⁸ *See id.*

⁴⁹ See Amendment No. 5 to Form S-1 Registration Statement No. 333-278249, Fidelity Fund, filed July 17, 2024, at 17.

⁵⁰ See Ethereum ETP Approval Order.

⁵¹ See Securities Exchange Act Release No. 39489 (December 24, 1997), 63 FR 276 (January 5, 1998) (SR-CBOE-1997-11).

As discussed above, the Exchange believes that its existing surveillance and reporting safeguards are designed to deter and detect possible manipulative behavior which might arise from listing and trading Fund Share options, including Fidelity Fund options.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act as options on the Fidelity Fund will be equally available to all market participants who wish to trade such options and will trade generally in the same manner as other options. The Exchange Rules that currently apply to the listing and trading of all Fund Share options on the Exchange, including, for example, Rules that govern listing criteria, expirations, exercise prices, minimum increments, margin requirements, customer accounts, and trading halt procedures will apply to the listing and trading of Fidelity Fund options on the Exchange in the same manner as they apply to other options on all other Fund Shares that are listed and traded on the Exchange. Also, and as stated above, the Commission has approved the trading of options on other commodity-based Fund Shares.⁵² Further, the Fidelity Fund would need to satisfy the maintenance listing standards set forth in the Exchange Rules in the same manner as any other Fund Share for the Exchange to continue listing options on them.

The Exchange does not believe that the proposal to list and trade options on the Fidelity Fund will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the extent that the advent of Fidelity Fund options trading on the Exchange may make the Exchange a more attractive marketplace to market participants at other exchanges, such market participants are free to elect to become market participants on the Exchange. Additionally, other options exchanges are free to amend their listing rules, as applicable, to permit them to list and trade options on the Fidelity Fund.⁵³ The Exchange notes that listing

and trading Fidelity Fund options on the Exchange will subject such options to transparent exchange-based rules as well as price discovery and liquidity, as opposed to alternatively trading such options in the OTC market.

The Exchange believes that the proposed rule change may relieve any burden on, or otherwise promote, competition, as it is designed to increase competition for order flow on the Exchange in a manner that is beneficial to investors by providing them with a lower-cost option to hedge their investment portfolios. The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues that offer similar products. Ultimately, the Exchange believes that offering Fidelity Fund options for trading on the Exchange will promote competition by providing investors with an additional, relatively low-cost means to hedge their portfolios and meet their investment needs in connection with Ethereum prices and Ethereum-related products and positions on a listed options exchange.

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 written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

A. by order approve or disapprove such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-CboeBZX-2025-008 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-CboeBZX-2025-008. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-CboeBZX-2025-008 and should be submitted on or before March 6, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁵⁴

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025-02556 Filed 2-12-25; 8:45 am]

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⁵² See Rule 19.3(i)(4).

⁵³ As noted above, at least one other options exchange has already proposed to amend its rules

to list and trade options on the Fidelity Fund. See Cboe Fidelity Fund Proposal.

⁵⁴ 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102380]

Order Granting Temporary Exemption Pursuant to Section 13(f)(3) of the Securities Exchange Act of 1934 From Compliance With Rule 13f–2 and Form SHO

I. Introduction

On October 13, 2023, the Securities and Exchange Commission (“Commission”) adopted Rule 13f–2 (17 CFR 240.13f–2) and related Form SHO¹ (17 CFR 249.332) pursuant to the Securities Exchange Act of 1934 (“Exchange Act”) and the Dodd-Frank Wall Street Reform and Consumer Protection Act. Rule 13f–2 requires institutional investment managers that meet or exceed certain specified thresholds to file Form SHO, in accordance with the form’s instructions, with the Commission within 14 calendar days after the end of each calendar month with regard to certain equity securities via the Commission’s Electronic Data Gathering, Analysis, and Retrieval System (“EDGAR”).² The Commission will publish, on an aggregated basis, certain information regarding each equity security reported by institutional investment managers on Form SHO and filed with the Commission via EDGAR.³ The effective date of Rule 13f–2 and Form SHO was January 2, 2024. The compliance date for Rule 13f–2 and for reporting on Form SHO was January 2, 2025. Institutional investment managers that meet or exceed a reporting threshold specified under Rule 13f–2 are required to file the Form SHO report for January 2025 within 14 calendar days after the end of January 2025.

Since the Rule and Form SHO were adopted, Commission staff has been working with industry participants to address operational issues relating to the implementation of Form SHO reporting. Through telephonic meetings and letters, certain institutional investment managers that may meet the reporting thresholds specified in Rule 13f–2 have stated that they need additional time to implement Form SHO reporting.⁴

¹ Exchange Act Release No. 34–98738 (Oct. 13, 2023), 88 FR 75100 (Nov. 1, 2023) (“Rule 13f–2 Adopting Release”).

² See 17 CFR 240.13f–2(a).

³ See 17 CFR 240.13f–2(a)(3).

⁴ See, e.g., Letters from Howard Meyerson, Financial Information Forum (June 24, 2024, Aug. 9, 2024, Nov. 8, 2024, Dec. 20, 2024) (each a “FIF Letter”), available at <https://fif.com/index.php/working-groups>; Letter from the Securities Industry and Financial Markets Association (“SIFMA”),

Before the Commission’s publication of the web-fillable version of Form SHO and the related Form SHO XML technical specifications⁵ and EDGAR Filer Manual updates⁶ on December 16, 2024 (collectively, “December 16, 2024 Form SHO Documents”), a group of industry participants submitted a letter requesting that the Commission extend the current January 2, 2025 compliance date by eighteen months.⁷ Among other things, industry participants highlighted ongoing work in connection with “developing and implementing system changes needed to capture relevant data so that association members [that are institutional investment managers] are in a position to report . . . consistent with the rule’s requirements.”⁸ Industry participants also cited challenges in completing implementation of system builds and testing for Form SHO reporting pending finalization and publication of the Form SHO XML technical specifications, which the Commission published on December 16, 2024.⁹ Further, industry participants also stated that certain firms were “subject to full code freezes at year-end to help manage and mitigate IT risk.”¹⁰

In addition, the Financial Information Forum (“FIF”) submitted several letters before the publication of the December 16, 2024 Form SHO Documents requesting an extension of the current

SIFMA’s Asset Management Group, the Investment Company Institute, the Insured Retirement Institute, FIA Principal Traders Group, and the Investment Adviser Association (Nov. 25, 2024) (“2024 SIFMA et al. Letter”), available at <https://www.sifma.org/wp-content/uploads/2024/11/Rule-13f-2-Extension-Request-Final-11-25-2024.pdf>; Letter from Managed Funds Association and Alternative Investment Management Association (Jan. 20, 2025) (“2025 MFA and AIMA Letter”) available at <https://www.mfaalts.org/wp-content/uploads/2025/01/MFA-Short-Position-Reporting-Extension-Request-Final-Submitted-1.20.25.pdf>.

⁵ Form SHO XML Technical Specifications are available at <https://www.sec.gov/submit-filings/technical-specifications.xml>.

⁶ EDGAR Filer Manual 24.4, Vol. II was published in EDGAR Release 24.4, published December 16, 2024. <https://www.sec.gov/submit-filings/edgar-filer-manual>.

⁷ 2024 SIFMA et al. Letter, at 1.

⁸ *Id.* See also 2025 MFA and AIMA Letter, at 2.

⁹ See, e.g., 2024 SIFMA et al. Letter, at 2 (stating that publication of final Form SHO XML technical specification on December 16, 2024, “provid[es] reporters with very little time for any final builds and testing before the January 2, 2025 compliance date”); FIF Letter (Nov. 8, 2024), at 2 (stating it is “highly problematic for the Commission to require reporting for activity that occurs beginning on January 2, 2025 when the Technical Specifications will not be finalized until 17 days prior to such date”). Publication of final technical specifications for Form SHO coincided with the fourth quarter update to the EDGAR Filer Manual, which also provides specific instructions and guidance to Form SHO filers.

¹⁰ 2024 SIFMA et al. Letter, at 2. See also FIF Letter (Nov. 8, 2024), at 3; 2025 MFA and AIMA Letter, at 3.

January 2, 2025 compliance date for Rule 13f–2 and for Form SHO reporting for a “reasonable period (for example six months)” from the date the Commission provides written guidance in response to interpretive questions raised by FIF and other industry participants.¹¹

The December 16, 2024 Form SHO Documents provided additional guidance and context for completing Form SHO. On January 20, 2025, following the publication of those documents, the Managed Funds Association (“MFA”) and the Alternative Investment Management Association (“AIMA”) submitted a letter requesting a six-month extension for compliance with the Rule “until July 1, 2025 (or such later date as the Staff deems appropriate).”¹² FIF also submitted a letter on December 20, 2024, stating more time was needed for compliance, in part, to implement the Form SHO instructions deployed in the December 16, 2024 Form SHO Documents, but did not specify timing.¹³

II. Discussion

The Commission agrees with the concerns expressed by commenters about requiring reporting for activity that occurs beginning on January 2, 2025, when the Form SHO-specific XML technical specifications were issued only a few weeks before that date. After the Commission published the December 16, 2024 Form SHO Documents, commenters suggested a shorter period would be workable—for example, six months “(or such later date as the Staff deems appropriate).”¹⁴ The Commission has determined that a temporary exemption from compliance for approximately twelve months strikes an appropriate balance between the goal of Rule 13f–2 and Form SHO reporting to provide transparency regarding certain short sale-related data and industry participants’ requests for additional time for implementation of

¹¹ FIF Letter (Aug. 9, 2024) at 19 (recommending an extension be for a “reasonable period (for example, six months) from the date the Commission publishes written FAQs in response to requests for interpretive guidance from . . . market participants”). *Accord* FIF Letter (Nov. 8, 2024) at 3 (requesting that the Commission grant “a six-month extension of the current implementation date, from the date that the Commission publishes written FAQs (or equivalent written guidance) in response to interpretive questions raised by FIF members and other market participants”). See also, FIF Letter (June 14, 2024) at 17 (stating that length of compliance date extension depends on guidance received from the Commission to questions raised by market participants).

¹² 2025 MFA and AIMA Letter, at 2.

¹³ FIF Letter (Dec. 20, 2024).

¹⁴ 2025 MFA and AIMA Letter, at 2.

the Rule 13f-2 reporting requirements.¹⁵ Therefore, in consideration of publication of the December 16, 2024 Form SHO Documents, granting a temporary exemption from compliance with Rule 13f-2 and for Form SHO reporting for approximately twelve months is appropriate to provide industry participants sufficient time to complete implementation of systems builds and testing, as well as to work with Commission staff to address any outstanding operational and compliance questions regarding Form SHO reporting.

Section 13(f)(3) of the Exchange Act¹⁶ authorizes the Commission, by rule or order, to exempt, conditionally or unconditionally, any institutional investment manager or security, or any class of institutional investment managers or securities from any or all of the provisions of section 13(f) of the Exchange Act or the rules thereunder. Institutional investment managers that meet or exceed a reporting threshold specified in Rule 13f-2 are required to file an initial Form SHO report within 14 calendar days after the end of January 2025. A temporary exemption from compliance with Rule 13f-2 and Form SHO reporting will give institutional investment managers that meet certain reporting thresholds specified in Rule 13f-2 sufficient additional time to complete implementation of systems builds and to test and work with Commission staff to address any outstanding operational and compliance questions regarding Form SHO reporting.

The Commission is using its authority under section 13(f)(3) of the Exchange Act to grant a temporary exemption from compliance with Rule 13f-2 and for reporting on Form SHO to give additional time to allow for orderly compliance with Rule 13f-2.¹⁷ More

specifically, the temporary exemption will facilitate realization of the benefits of the Rule by enhancing the accuracy of the data that would ultimately be provided to investors by giving institutional investment managers additional time to complete systems development, programming, and testing, and to resolve operational issues in connection with implementation of the Rule and Form SHO reporting.

III. Conclusion

Accordingly, the Commission hereby grants, pursuant to section 13(f)(3) of the Exchange Act, a temporary exemption from compliance with Rule 13f-2 and Form SHO reporting effective February 7, 2025, and ending January 2, 2026. Therefore, Form SHO reports for the January 2026 reporting period would be required to be filed within 14 calendar days after the end of January 2026.

By the Commission.

Dated: February 7, 2025.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-02570 Filed 2-12-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102378; File No. SR-NYSEAMER-2024-45]

Self-Regulatory Organizations; NYSE American LLC; Notice of Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment No. 1, To Amend Exchange Rule 915 To Permit the Listing and Trading of Options on the Bitwise Ethereum ETF, the Grayscale Ethereum Trust, and the Grayscale Ethereum Mini Trust

February 7, 2025.

On July 23, 2024, NYSE American LLC (“Exchange”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”)¹ and Rule 19b-4 thereunder,² a proposed rule change to

providing additional time for industry participants required to make Form SHO reports to address any operational issues and to comply with Rule 13f-2 reporting requirements would facilitate realization of the benefits of the Rule by enhancing the accuracy of the data that would ultimately be provided to investors. In this regard, a temporary exemption from compliance would also be necessary or appropriate in the public interest and consistent with the protection of investors.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

amend Exchange Rule 915 to permit the listing and trading of options on the Bitwise Ethereum ETF, the Grayscale Ethereum Trust (ETH), the Grayscale Ethereum Mini Trust, and any trust that holds ether. The proposed rule change was published for comment in the **Federal Register** on August 13, 2024.³

On September 24, 2024, pursuant to Section 19(b)(2) of the Act,⁴ the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change.⁵ On November 8, 2024, the Commission instituted proceedings pursuant to Section 19(b)(2)(B) of the Act⁶ to determine whether to approve or disapprove the proposed rule change.⁷ The Commission received comments regarding the proposal.⁸ On February 5, 2025, the Exchange submitted Amendment No. 1 to the proposal.⁹

Section 19(b)(2) of the Act¹⁰ provides that, after initiating disapproval proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposed rule change was published for notice and comment in the **Federal Register** on August 13, 2024. February 9, 2025 is 180 days from that date, and April 10, 2025 is 240 days from that date.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider the proposed rule change, as amended,

³ See Securities Exchange Act Release No. 100666 (Aug. 7, 2024), 89 FR 65957.

⁴ 15 U.S.C. 78s(b)(2).

⁵ See Securities Exchange Act Release No. 101157, 89 FR 79678 (Sept. 30, 2024).

⁶ 15 U.S.C. 78s(b)(2)(B).

⁷ See Securities Exchange Act Release No. 101573, 89 FR 90133 (Nov. 14, 2024).

⁸ Comments on the proposal are available at: <https://www.sec.gov/comments/sr-nyseamer-2024-45/srnyseamer202445.htm>.

⁹ Among other things, Amendment No. 1 narrows the scope of the proposal to provide for the listing and trading of options on the Bitwise Ethereum ETF, the Grayscale Ethereum Trust, and the Grayscale Ethereum Mini Trust. Amendment No. 1 is available at: <https://www.sec.gov/comments/sr-nyseamer-2024-45/srnyseamer202445-565435-1620962.pdf>.

¹⁰ 15 U.S.C. 78s(b)(2).

¹⁵ See, e.g., FIF Letter (Nov. 8, 2024), at 1 (citing hosting of thirty-six working group calls on Form SHO reporting); 2024 SIFMA et al. Letter, at 1 (describing efforts by “association members,” since adoption of Rule 13f-2, to develop and implement system changes to capture the data required for Form SHO reporting).

¹⁶ 15 U.S.C. 78m.

¹⁷ The Commission has the authority to issue exemptive relief by order under Section 36 of the Exchange Act as well as under Section 13(f)(3). Subject to certain exceptions, Section 36 of the Exchange Act authorizes the Commission, by rule, regulation, or order to exempt, either conditionally or unconditionally, any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Exchange Act or any rule or regulation thereunder, to the extent that such exemption is necessary or appropriate in the public interest, and is consistent with the protection of investors. Although a temporary exemption from compliance with Rule 13f-2 and Form SHO reporting will delay the benefits of the Rule,

and the issues raised therein. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,¹¹ designates April 10, 2025, as the date by which the Commission shall either approve or disapprove the proposed rule change (File No. SR–NYSEAMER–2024–45), as modified by Amendment No. 1.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹²

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025–02554 Filed 2–12–25; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102376; File No. SR–NYSEAMER–2024–78]

Self-Regulatory Organizations; NYSE American LLC; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Amend Certain Rules Related to Flexible Exchange Options on the Grayscale Bitcoin Trust

February 7, 2025.

On December 13, 2024, NYSE American LLC filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) ¹ and Rule 19b–4 thereunder,² a proposed rule change to permit Flexible Exchange (“FLEX”) options on shares of the Grayscale Bitcoin Trust. The proposed rule change was published for comment in the *Federal Register* on December 27, 2024.³ The Commission has received no comments on the proposed rule change.

Section 19(b)(2) of the Act ⁴ 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 for this proposed rule change is February 10, 2025. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,⁵ designates March 27, 2025, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–NYSEAMER–2024–78).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2025–02557 Filed 2–12–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102374; File No. SR–CboeEDGX–2025–005]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing of a Proposed Rule Change, as Modified by Amendment No. 1, To List Options on the Fidelity Ethereum Fund

February 7, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b–4 thereunder,² notice is hereby given that on January 24, 2025, Cboe EDGX Exchange, Inc. (“Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. On February 3, 2025, the Exchange submitted Amendment No. 1 to the proposed rule change. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to list options on the Fidelity Ethereum Fund. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange’s website (http://markets.cboe.com/us/options/regulation/rule_filings/edgx/), at the Exchange’s Office of the Secretary, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the 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 Rule 19.3 regarding the criteria for underlying securities. Specifically, the Exchange proposes to amend Rule 19.3(i)(4) to allow the Exchange to list and trade options on shares or other securities (“Fund Shares”) that are principally traded on a national securities exchange and are defined as an “NMS stock” under Rule 600 of Regulation NMS and that represent interests in the Fidelity Ethereum Fund (the “Fidelity Fund”).³ Current Rule 19.3(i) provides that, subject to certain other criteria set forth in that Rule, securities deemed appropriate for options trading include Fund Shares that represent certain types of interests,⁴

³ See Securities Exchange Act Release No. 100224 (May 23, 2024), 89 FR 46937 (May 30, 2024) (SR–NYSEArca–2023–70; SR–NYSEArca–2024–31; SR–NASDAQ–2023–045; SR–CboeBZX–2023–069; SR–CboeBZX–2023–070; SR–CboeBZX–2023–087; SR–CboeBZX–2023–095; and SRCboeBZX–2024–018) (Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, to List and Trade Shares of Ether-Based Exchange-Traded Products) (“Ethereum ETP Approval Order”).

⁴ See Rule 19.3(i) which permits options trading on Fund Shares that (1) represent interests in registered investment companies (or series thereof) organized as open-end management investment companies, unit investment trusts or similar entities, and that hold portfolios of securities comprising or otherwise based on or representing investments in indexes or portfolios of securities (or that hold securities in one or more other registered investment companies that themselves hold such portfolios of securities) (“Funds”) and/or financial instruments including, but not limited to, stock index futures contracts, options on futures, options

¹¹ *Id.*

¹² 17 CFR 200.30–3(a)(57).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ See Securities Exchange Act Release No. 102014 (Dec. 20, 2024), 89 FR 105669.

⁴ 15 U.S.C. 78s(b)(2).

⁵ *Id.*

⁶ 17 CFR 200.30–3(a)(31).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

including interests in certain specific trusts that hold financial instruments, money market instruments, or precious metals (which are deemed commodities).

The Fidelity Fund is an Ethereum-backed commodity ETF structured as a trust. Similar to any Fund Share currently deemed appropriate for options trading under Rule 19.3(i), the investment objective of the Fidelity Fund is for its shares to reflect the performance of Ethereum (less the expenses of the trust's operations), offering investors an opportunity to gain exposure to Ethereum without the complexities of Ethereum delivery. As is the case for Fund Shares currently deemed appropriate for options trading, the Fidelity Fund's shares represent units of fractional undivided beneficial interest in the trust, the assets of which consist principally of Ethereum and are designed to track Ethereum or the performance of the price of Ethereum and offer access to the Ethereum market.⁵ The Fidelity Fund provides investors with cost-efficient alternatives that allow a level of participation in the Ethereum market through the securities market. The primary substantive difference between the Fidelity Fund and Fund Shares currently deemed appropriate for options trading are that Fund Shares may hold securities, certain financial instruments, specified precious metals (which are deemed commodities), and Bitcoin (which is also deemed a commodity), while the Fidelity Fund holds Ethereum (which is also deemed a commodity).

The Exchange believes the Fidelity Fund satisfies the Exchange's initial listing standards for Fund Shares on which the Exchange may list options. Specifically, the Fidelity Fund satisfies

the initial listing standards set forth in Rule 19.3(i), as is the case for other Fund Shares on which the Exchange lists options (including trusts that hold commodities). Rule 19.3(i)(1) requires that Fund Shares either (1) meet the criteria and standards set forth in Rule 19.3(a) and (b),⁶ or (2) are available for creation or redemption each business day in cash or in kind from the investment company, commodity pool or other entity at a price related to net asset value, and the investment company, commodity pool or other entity is obligated to provide that Fund Shares may be created even if some or all of the securities and/or cash required to be deposited have not been received by the Fund, the unit investment trust or the management investment company, provided the authorized creation participant has undertaken to deliver the securities and/or cash as soon as possible and such undertaking is secured by the delivery and maintenance of collateral consisting of cash or cash equivalents satisfactory to the Fund, all as described in the Fund's or unit trust's prospectus. The Fidelity Fund satisfies Rule 19.3(i)(1)(B) as each is subject to this creation and redemption process.

While not required by the Rules for purposes of options listings, the Exchange believes the Fidelity Fund satisfies the criteria and guidelines set forth in Rule 19.3(a) and (b). Pursuant to Rule 19.3(a), a security (which includes a Fund Share) on which options may be listed and traded on the Exchange must be registered with the Securities and Exchange Commission ("Commission") and be an NMS stock (as defined in Rule 600 of Regulation NMS under the Securities Exchange Act

of 1934, as amended (the "Act")), and be characterized by a substantial number of outstanding shares that are widely held and actively traded.⁷ The Fidelity Fund is an NMS Stock as defined in Rule 600 of Regulation NMS under the Act.⁸ The Exchange believes the Fidelity Fund is characterized by a substantial number of outstanding shares that are widely held and actively traded.

As of December 23, 2024, the Fidelity Fund had 41,700,000 shares outstanding, which is nearly six times more than the minimum number of shares of a corporate stock (*i.e.*, 7,000,000 shares) that the Exchange generally requires to list options on that stock pursuant to Rule 19.3(b)(1). The Exchange believes this demonstrates that the Fidelity Fund is characterized by a substantial number of outstanding shares.

Further, as of November 26, 2024, there were 38,170 beneficial holders of shares of the Fidelity Fund, which is significantly more than 2,000 beneficial holders (approximately 19 times more), which is the minimum number of holders the Exchange generally requires for corporate stock in order to list options on that stock pursuant to Rule 19.3(b). Therefore, the Exchange believes the shares of the Fidelity Fund are widely held.⁹

The Exchange also believes the shares of the Fidelity Fund are actively traded. As of December 23, 2024, the total trading volume (by shares) and the approximate average daily volume ("ADV") (in shares and notional) from July 23, 2024 (the date on which shares of the Fidelity Fund began trading) to December 23, 2024 for the Fidelity Fund was as follows:

| Trading volume (shares) | ADV (shares) | ADV (notional \$) |
|-------------------------|--------------|-------------------|
| 115,589,047 | 1,070,269 | 33,864,193 |

on securities and indexes, equity caps, collars and floors, swap agreements, forward contracts, repurchase agreements and reverse repurchase agreements (the "Financial Instruments"), and money market instruments, including, but not limited to, U.S. government securities and repurchase agreements (the "Money Market Instruments") constituting or otherwise based on or representing an investment in an index or portfolio of securities and/or Financial Instruments and Money Market Instruments, or (2) represent commodity pool interests principally engaged, directly or indirectly, in holding and/or managing portfolios or baskets of securities, commodity futures contracts, options on commodity futures contracts, swaps, forward 477 contracts and/or options on physical commodities and/or non-U.S. currency ("Commodity Pool ETFs") or (3) represent interests in a trust or similar entity that holds a

specified non-U.S. currency or currencies deposited with the trust or similar entity when aggregated in some specified minimum number may be surrendered to the trust by the beneficial owner to receive the specified non-U.S. currency or currencies and pays the beneficial owner interest and other distributions on the deposited non-U.S. currency or currencies, if any, declared and paid by the trust ("Currency Trust Shares"), or (4) represent interests in the SPDR Gold Trust or are issued by the iShares COMEX Gold Trust or iShares Silver Trust.

⁵ The trust may include minimal cash.

⁶ Rule 19.3(a) and (b) sets forth the criteria an underlying security must meet for the Exchange to be able to list options on the underlying.

⁷ The criteria and guidelines for a security to be considered widely held and actively traded are set forth in Rule 19.3(b), subject to exceptions.

⁸ An "NMS stock" means any NMS security other than an option, and an "NMS security" means any security or class of securities for which transaction reports are collected, processed, and made available pursuant to an effective transaction reporting plan (or an effective national market system plan for reporting transaction in listed options). See 17 CFR 242.600(b)(64) (definition of "NMS security") and (65) (definition of "NMS stock").

⁹ The Exchange continues to believe assets under management ("AUM"), rather than shares outstanding and number of holders, is a better measure of investable capacity of ETFs and a more appropriate figure for determining position and exercise limits of ETFs and looks forward to further discussions with the Commission staff on this topic.

As demonstrated above, despite the fact that the Fidelity Fund has been trading for approximately five months as of December 23, 2024, its total trading volume as of that date was substantially higher than 2,400,000 shares (more than 48 times that amount), which is the minimum 12-month volume the Exchange generally requires for a corporate stock in order to list options on that security as set forth in Rule 19.3(b). Additionally, as of December 23, 2024, the trading volume for the Fidelity Fund was in the top 5% of all ETFs that are currently trading. The Exchange believes this data demonstrates the Fidelity Fund is characterized as having shares that are actively traded.

Options on the Fidelity Fund will be subject to the Exchange's continued listing standards set forth in Rule 19.4(g) for Fund Shares deemed appropriate for options trading pursuant to Rule 19.3(i). Specifically, 19.4(g) provides that Fund Shares that were initially approved for options trading pursuant to Rule 19.3 will not be deemed to meet the requirements for continued approval, and the Exchange shall not open for trading any additional series of option contracts of the class covering such Fund Shares if the security ceases to be an NMS stock (see Rule 19.4(b)(4)). Additionally, the Exchange will not open for trading any additional series of option contracts of the class covering Fund Shares in any of the following circumstances: (1) in the case of options covering Fund Shares approved for trading under Rule 19.3(i)(4)(A), in accordance with the terms of Rule 19.4(b)(1), (2) and (3); (2) in the case of

options covering Fund Shares approved pursuant to Rule 19.3(i)(4)(B), following the initial 12-month period beginning upon the commencement of trading in the Fund Shares on a national securities exchange and are defined as NMS stock under Rule 600 of Regulation NMS, there were fewer than 50 record and/or beneficial holders of such Fund Shares for 30 consecutive days; (3) the value of the index, non-U.S. currency, portfolio of commodities including commodity futures contracts, options on commodity futures contracts, swaps, forward contracts and/or options on physical commodities and/or Financial Instruments or Money Market Instruments, or portfolio of securities on which the Fund Shares are based is no longer calculated or available; or (4) such other event occurs or condition exists that in the opinion of the Exchange makes further dealing in such options on the Exchange inadvisable.

Options on the Fidelity Fund will be physically settled contracts with American-style exercise.¹⁰ Consistent with current Rule 19.6, which governs the opening of options series on a specific underlying security (including Fund Shares), the Exchange will open at least one expiration month for options on the Fidelity Fund¹¹ at the commencement of trading on the Exchange and may also list series of options on the Fidelity Fund for trading on a weekly,¹² monthly,¹³ or quarterly¹⁴ basis. The Exchange may also list long-term equity option series ("LEAPS") that expire from 12 to 39 months from the time they are listed.¹⁵

Pursuant to Rule 19.6, Interpretation and Policy .01, which governs strike

prices of series of options on Fund Shares, the interval of strikes prices for series of options on the Fidelity Fund will be \$1 or greater when the strike price is \$200 or less and \$5 or greater where the strike price is over \$200.¹⁶ Additionally, the Exchange may list series of options pursuant to the \$1 Strike Price Interval Program,¹⁷ the \$0.50 Strike Program,¹⁸ the \$2.50 Strike Price Program,¹⁹ and the \$5 Strike Program.²⁰ Pursuant to Rule 21.5, where the price of a series of a Fidelity Fund option is less than \$3.00, the minimum increment will be \$0.05, and where the price is \$3.00 or higher, the minimum increment will be \$0.10.²¹ Any and all new series of Fidelity Fund options that the Exchange lists will be consistent and comply with the expirations, strike prices, and minimum increments set forth in Rules 19.6 and 21.5, as applicable.

Pursuant to Rules 18.7 and 18.9, the position and exercise limits, respectively, for Fidelity Fund options will be 25,000 same side option contracts.²²

The Exchange believes these proposed position and exercise limits are reasonable and appropriate considering, among other things, the ADV (since trading of the Fidelity Fund began on July 23, 2024) and outstanding shares of the Fidelity Fund (which as discussed above demonstrate that the Fidelity Fund is widely held and actively traded and thus justify these conservatively proposed position limits), as set forth below, along with market capitalization (as of December 23, 2024):

¹⁰ See Rule 19.2, which provides that the rights and obligations of holders and writers are set forth in the Rules of the Options Clearing Corporation ("OCC"); and Equity Options Product Specifications January 3, 2024), available at Equity Options Specifications (*choe.com*); see also OCC Rules, Chapters VIII (which governs exercise and assignment) and Chapter IX (which governs the discharge of delivery and payment obligations arising out of the exercise of physically settled stock option contracts).

¹¹ See Rule 19.6(b). The monthly expirations are subject to certain listing criteria for underlying securities described within Rule 19.3. Monthly listings expire the third Friday of the month. The term "expiration date" (unless separately defined elsewhere in the OCC By-Laws), when used in respect of an option contract (subject to certain exceptions), means the third Friday of the expiration month of such option contract, or if such Friday is a day on which the exchange on which such option is listed is not open for business, the preceding day on which such exchange is open for business. See OCC By-Laws Article I, Section 1. Pursuant to Rule 19.6(c), additional series of options of the same class may be opened for trading on the Exchange when the Exchange deems it necessary to maintain an orderly market, to meet

customer demand or when the market price of the underlying stock moves more than five strike prices from the initial exercise price or prices. New series of options on an individual stock may be added until the beginning of the month in which the options contract will expire. Due to unusual market conditions, the Exchange, in its discretion, may add a new series of options on an individual stock until the close of trading on the business day prior to expiration.

¹² See Rule 19.6, Interpretation and Policy .05.

¹³ See Rule 19.6, Interpretation and Policy .08.

¹⁴ See Rule 19.6, Interpretation and Policy .04.

¹⁵ See Rule 19.8.

¹⁶ The Exchange notes that for options listed pursuant to the Short Term Option Series Program, the Monthly Options Series Program, and the Quarterly Options Series Program, Rule 19.6, Interpretations and Policies .05, .08, and .04 specifically sets forth intervals between strike prices on Quarterly Options Series, Short Term Option Series, and Monthly Options Series, respectively.

¹⁷ See Rule 19.6, Interpretation and Policy .02.

¹⁸ See Rule 19.6, Interpretation and Policy .06.

¹⁹ See Rule 19.6, Interpretation and Policy .03.

²⁰ See Rule 19.6(d)(5).

²¹ If options on a Bitcoin Fund are eligible to participate in the Penny Interval Program, the minimum increment will be \$0.01 for series with a price below \$3.00 and \$0.05 for series with a price at or above \$3.00. See 21.5(d) (which describes the requirements for the Penny Interval Program).

²² Rule 18.7(a)(1) provides that no Options Member shall make, for any account in which it has any interest or for the account of any Customer, an opening transaction on any exchange if the Options Member has reason to believe that as a result of such transaction the Options Member or its Customer would, acting alone or in concert with others, directly or indirectly, exceed the applicable position limit fixed by Cboe Exchange, Inc. ("Cboe Options"). Cboe Options currently has a nearly identical rule filing pending with the Commission to amend Cboe Options Rule 8.30, Interpretation and Policy .10 (and Cboe Options Rule 8.42) to establish a position and exercise limit for Fidelity Fund options of 25,000. See Securities Exchange Act Release No. 100862 (August 28, 2024), 89 FR 72146 (September 4, 2024) (SR-CBOE-2024-036) ("Cboe Fidelity Fund Proposal"). If the Commission approves the Cboe Fidelity Fund Proposal, the position and exercise limits in that filing would then apply to the Exchange.

| ADV (shares) | Outstanding shares | Market capitalization (\$) |
|--------------|--------------------|----------------------------|
| 1,070,269 | 41,700,000 | 1,433,229,000 |

The Exchange then compared the number of outstanding shares of the Fidelity Fund to those of other ETFs. The approximate average position (and exercise limit) of ETF options with similar outstanding shares (as of December 31, 2024) was approximately 102,703 contracts, which is significantly higher (approximately 4 times) than the proposed position and exercise limit of 25,000 contracts for Fidelity Fund options.²³ As discussed above, shares of the Fidelity Fund are actively held and widely traded: (1) the Fidelity Fund (as of December 23, 2024) had significantly more than 7,000,000 shares outstanding, which is the minimum number of shares of a corporate stock that the Exchange generally requires to list options on that stock pursuant to Rule 19.3(b)(1); (2) the Fidelity Fund (as of November 26, 2024) had significantly more than 2,000 beneficial holders, which is the minimum number of holders the Exchange generally requires for corporate stock in order to list options on that stock pursuant to Rule

19.3(b)(2); and (3) the Fidelity Fund had a trading volume in the approximately five-month time period since it began trading substantially higher than 2,400,000 shares, which is the minimum 12-month volume the Exchange generally requires for a security in order to list options on that security as set forth in Rule 19.3(b)(4).

With respect to outstanding shares, if a market participant held the maximum number of positions possible pursuant to the proposed position and exercise limits, the equivalent shares represented by the proposed position/exercise limit would represent approximately 6.0% of the 41,700,000 current outstanding shares of the Fidelity Fund. Therefore, if a market participant held the maximum permissible options positions in Fidelity Fund options and exercised all of them at the same time, that market participant would control a small percentage of the outstanding shares of the Fidelity Fund.

Cboe Options Rule 8.30, Interpretation and Policy .02 (which

governs position limits on the Exchange pursuant to Rule 18.7), provides two methods of qualifying for a position limit tier above 25,000 option contracts. The first method is based on six-month trading volume in the underlying security, and the second method is based on slightly lower six-month trading volume *and* number of shares outstanding in the underlying security. An underlying stock or ETF that qualifies for method two based on trading volume and number of shares outstanding would be required to have the minimum number of outstanding shares as shown in middle column of the table below.

The table, which provides the equivalent shares of the position limits applicable to equity options, including ETFs, further represents the percentages of the minimum number of outstanding shares that an underlying stock or ETF must have to qualify for that position limit (under the second method described above).

| Position/exercise limit (in equivalent shares) | Minimum outstanding shares | Percentage of outstanding shares |
|------------------------------------------------|----------------------------|----------------------------------|
| 2,500,000 | 6,300,000 | 40.0 |
| 5,000,000 | 40,000,000 | 12.5 |
| 7,500,000 | 120,000,000 | 6.3 |
| 20,000,000 | 240,000,000 | 8.3 |
| 25,000,000 | 300,000,000 | 8.3 |

The equivalent shares represented by the proposed position and exercise limits for the Fidelity Fund as a percentage of outstanding shares of the Fidelity Fund is significantly lower than the percentage for the lowest possible position limit for equity options of 25,000, which is the position limit the Exchange is proposing for Fidelity Fund options.²⁴

Further, the proposed position and exercise limit for Fidelity Fund options is equal to the lowest position and exercise limits available in the options industry for equity options, are

extremely conservative and more than appropriate given the market capitalization, average daily volume, and high number of outstanding shares of the Fidelity Fund. The proposed position and exercise limit for the Fidelity Fund is also equal to the position and exercise limits for ETFs that hold Bitcoin, as recently approved by the Commission.²⁵

All of the above information demonstrates that the proposed position and exercise limits for Fidelity Fund options are more than reasonable and appropriate. The trading volume, ADV,

and outstanding shares of the Fidelity Fund demonstrate that its shares are actively traded and widely held, and proposed position and exercise limit is well below those of options on other ETFs with similar market characteristics. The proposed position and exercise limit would be the lowest position and exercise limit available for equity options in the industry, are extremely conservative, and are more than appropriate given the Fidelity Fund's market capitalization, ADV, and high number of outstanding shares.

²³ The position limits for those ETF options for which the underlying ETFs had similar outstanding shares were all 50,000 or above, and nearly half of them had position limits of 200,000 or 250,000 contracts.

²⁴ As these percentages are based on the minimum number of outstanding shares an underlying security must have to qualify for the applicable position limit, these are the highest possible percentages that would apply to any option subject to that position and exercise limit. 6,300,000

is the minimum number of outstanding shares an underlying security must have for the Exchange to continue to list options on that security, so this would be the smallest number of outstanding shares permissible for any corporate option that would have a position limit of 25,000 contract. See Rule 19.4(b)(1). This rule applies to corporate stock options but not ETF options, which currently have no requirement regarding outstanding shares of the underlying ETF for the Exchange to continue listing options on that ETF. Therefore, there may be ETF

options trading for which the 25,000 contract position limits represents an even larger percentage of outstanding shares of the underlying ETF than set forth above.

²⁵ See Securities Exchange Act Release No. 101387 (October 18, 2024), 89 FR 84948 (October 24, 2024) (SR-CBOE-2024-035) ("Bitcoin ETF Option Approval"); see also Cboe Options Rules 8.30, Interpretation and Policy .10 and 8.42 (which applies to the Exchange pursuant to Rule 18.7 and 18.9).

Fidelity Fund options will trade in the same manner as any other Fund Share options on the Exchange. The Exchange Rules that currently apply to the listing and trading of all Fund Share options on the Exchange, including, for example, Rules that govern listing criteria, expirations, exercise prices, minimum increments, margin requirements, customer accounts, and trading halt procedures will apply to the listing and trading of Fidelity Fund options on the Exchange in the same manner as they apply to other options on all other Fund Shares that are listed and traded on the Exchange, including the precious-metal backed commodity Fund Shares already deemed appropriate for options trading on the Exchange pursuant to current Rule 19.3(i).

Today, the Exchange has an adequate surveillance program in place for options. The Exchange intends to apply those same program procedures to options on the Fidelity Fund that it applies to the Exchange's other options products.²⁶ The Exchange's market surveillance staff would have access to the surveillances conducted by Cboe BZX Exchange, Inc. ("BZX")²⁷ with respect to the Fidelity Fund and would review activity in the Fidelity Fund when conducting surveillances for market abuse or manipulation in the options on the Fidelity Fund. Additionally, the Exchange is a member of the Intermarket Surveillance Group ("ISG") under the Intermarket Surveillance Group Agreement. ISG members work together to coordinate surveillance and investigative information sharing in the stock, options, and futures markets. In addition to obtaining information from the Exchange's equities, the Exchange would be able to obtain information regarding trading of shares of the Fidelity Fund through ISG.

In addition, the Exchange has a Regulatory Services Agreement with the Financial Industry Regulatory Authority ("FINRA") for certain market surveillance, investigation and examinations functions. Pursuant to a multi-party 17d-2 joint plan, all options exchanges allocate amongst themselves and FINRA responsibilities to conduct certain options-related market surveillance that are common to rules of all options exchanges.²⁸ The underlying

shares of spot Ethereum exchange-traded products ("ETPs"), including the Fidelity Fund, are also subject to safeguards related to addressing market abuse and manipulation. As the Commission stated in its order approving proposals of several exchanges to list and trade shares of spot Ethereum-based ETPs, "[e]ach Exchange has a comprehensive surveillance-sharing agreement with the [Chicago Mercantile Exchange ("CME")] via their common membership in the Intermarket Surveillance Group. This facilitates the sharing of information that is available to the CME through its surveillance of its markets, including its surveillance of the CME bitcoin futures market."²⁹ The Exchange states that, given the consistently high correlation between the CME Ethereum futures market and the spot Ethereum market, as confirmed by the Commission through robust correlation analysis, the Commission was able to conclude that such surveillance sharing agreements could reasonably be "expected to assist in surveilling for fraudulent and manipulative acts and practices in the specific context of the [Ethereum ETPs]."³⁰ In light of surveillance measures related to both options and futures as well as the Fidelity Fund,³¹ the Exchange believes that existing surveillance procedures are designed to deter and detect possible manipulative behavior which might potentially arise from listing and trading the proposed options on the Fidelity Fund. Further, the Exchange will implement any new surveillance procedures it deems necessary to effectively monitor the trading of options on the Fidelity Fund.

registered as a national securities exchange or national securities association to comply with the Act, the rules and regulations thereunder, and the SRO's own rules, and, absent reasonable justification or excuse, enforce compliance with its members and persons associated with its members. See 15 U.S.C. 78q(d)(1) and 17 CFR 240.17d-2. Section 17(d)(1) of the Act allows the Commission to relieve an SRO of certain responsibilities with respect to members of the SRO who are also members of another SRO ("common members"). Specifically, Section 17(d)(1) allows the Commission to relieve an SRO of its responsibilities to: (i) receive regulatory reports from such members; (ii) examine such members for compliance with the Act and the rules and regulations thereunder, and the rules of the SRO; or (iii) carry out other specified regulatory responsibilities with respect to such members.

²⁹ See Ethereum ETP Approval Order, 89 FR at 46938.

³⁰ See Ethereum ETP Approval Order, 89 FR at 46939.

³¹ See Amendment No. 2 to SR-CboeBZX-2023-095, Proposed Rule Change To List and Trade Shares of the Fidelity Ethereum Fund Under BZX Rule 14.11(e)(4), Commodity-Based Trust Shares (filed May 21, 2024); see also Ethereum ETP Approval Order.

The Exchange has also analyzed its capacity and represents that it believes the Exchange and OPRA have the necessary systems capacity to handle the additional traffic associated with the listing of new series that may result from the introduction of options on the Fidelity Fund up to the number of expirations currently permissible under the Rules. Because the proposal is limited to one class, the Exchange believes any additional traffic that may be generated from the introduction of Fidelity Fund options will be manageable.

The Exchange believes that offering options on the Fidelity Fund will benefit investors by providing them with an additional, relatively lower cost investing tool to gain exposure to the price of Ethereum and hedging vehicle to meet their investment needs in connection with Ethereum-related products and positions. The Exchange expects investors will transact in options on the Fidelity Fund in the unregulated over-the-counter ("OTC") options market,³² but may prefer to trade such options in a listed environment to receive the benefits of trading listed options, including (1) enhanced efficiency in initiating and closing out positions; (2) increased market transparency; and (3) heightened contra-party creditworthiness due to the role of OCC as issuer and guarantor of all listed options. The Exchange believes that listing Fidelity Fund options may cause investors to bring this liquidity to the Exchange, would increase market transparency and enhance the process of price discovery conducted on the Exchange through increased order flow. The Fund Shares that hold financial instruments, money market instruments, or precious metal commodities on which the Exchange may already list and trade options are trusts structured in substantially the same manner as the Fidelity Fund and essentially offer the same objectives and benefits to investors, just with respect to different assets. The Exchange notes that it has not identified any issues with the continued listing and trading of any Fund Share options, including Fund Shares that hold commodities (*i.e.*, precious metals) that it currently lists and trades on the Exchange. The Exchange notes that quotation and last sale information for shares of the Fidelity Fund are available from the CTA high-speed lines, as well as from

³² The Exchange understands from customers that investors have historically transacted in options on Units in the OTC options market if such options were not available for trading in a listed environment.

²⁶ The surveillance program includes surveillance patterns for price and volume movements as well as patterns for potential manipulation (*e.g.*, spoofing and marking the close).

²⁷ Cboe BZX Exchange, Inc. is an affiliated market of the Exchange.

²⁸ Section 19(g)(1) of the Act, among other things, requires every self-regulatory organization ("SRO")

BZX (on which the shares are primarily listed). Quotation and last sale information for options on the Fidelity Fund will be available from OPRA and market data vendors.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.³³ Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)³⁴ 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)³⁵ requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that the proposal to list and trade options on the Fidelity Fund will remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, protect investors because offering options on the Fidelity Fund will provide investors with an opportunity to realize the benefits of utilizing options on the Fidelity Fund, including cost efficiencies and increased hedging strategies. The Exchange believes that offering Fidelity Fund options will benefit investors by providing them with a relatively lower-cost risk management tool, which will allow them to manage their positions and associated risk in their portfolios more easily in connection with exposure to the price of Ethereum and with Ethereum-related products and positions. Additionally, the Exchange's offering of Fidelity Fund options will provide investors with the ability to transact in such options in a listed market environment as opposed to in the unregulated OTC options market, which would increase market transparency and enhance the process of

price discovery conducted on the Exchange through increased order flow to the benefit of all investors. The Exchange also notes that it already lists (or has the authority to list) options on other commodity-based Fund Shares,³⁶ which, as described above, are trusts structured in substantially the same manner as the Fidelity Fund and essentially offer the same objectives and benefits to investors, just with respect to a different commodity (*i.e.*, Ethereum rather than Bitcoin or precious metals) and for which the Exchange has not identified any issues with the continued listing and trading of commodity-backed Fund Share options it currently lists for trading.

The Exchange also believes the proposed rule change will remove impediments to and perfect the mechanism of a free and open market and a national market system, because it is consistent with current Exchange Rules previously filed with the Commission. Options on the Fidelity Fund satisfy the initial listing standards and continued listing standards currently in the Exchange Rules applicable to options on all Fund Shares, including Fund Shares that hold other commodities already deemed appropriate for options trading on the Exchange. Additionally, as demonstrated above, the Fidelity Fund is characterized by a substantial number of shares that are widely held and actively traded. Fidelity Fund options will trade in the same manner as any other Fund Share options—the same Exchange Rules that currently govern the listing and trading of all Fund Share options, including permissible expirations, strike prices and minimum increments, and applicable margin requirements, will govern the listing and trading of options on the Fidelity Fund in the same manner.

The Exchange believes the proposed position and exercise limits are designed to prevent fraudulent and manipulative acts and practices and promote just and equitable principles of trade, as they are designed to address potential manipulative schemes and adverse market impacts surrounding the use of options, such as disrupting the market in the security underlying the options. The proposed position and exercise limits in this are 25,000 contracts, which is currently the lowest limit applicable to any equity options (including ETF options) and the position and exercise limits that apply to comparable ETFs that hold Bitcoin.³⁷ The Exchange believes the proposed

position and exercise limits are extremely conservative for Fidelity Fund options given the trading volume and outstanding shares for the Fidelity Fund. The information above demonstrates that the average position and exercise limits of options on ETFs with comparable outstanding shares and trading volume to those of the Fidelity Fund are significantly higher than the proposed position and exercise limits for Fidelity Fund options. Therefore, the proposed position and exercise limits for Fidelity Fund options are conservative relative to options on ETFs with comparable market characteristics.

Further, given that the issuer of the Fidelity Fund may create and redeem shares that represent an interest in Ethereum, the Exchange believes it is relevant to compare the size of a position limit to the market capitalization of the Ethereum market. As of December 23, 2024, the global supply of Ethereum was approximately 120,000,000 coins, and the price of one Ethereum coin was approximately \$3,494.25,³⁸ which equates to a market capitalization of approximately \$419.31 billion. Consider the proposed position and exercise limit of 25,000 option contracts for the Fidelity Fund option. A position and exercise limit of 25,000 same side contracts effectively restricts a market participant from holding positions that could result in the receipt of no more than 2,500,000 of Fidelity Fund shares (if that market participant exercised all its options). Using a share price of \$34.37 on December 23, 2024, the value of 2,500,000 shares of the Fidelity Fund at that price is \$85,925,000, and the approximate percentage of that value of the size of the Ethereum market is 0.02%. Therefore, if a market participant with the maximum 25,000 same side contracts in Fidelity Fund options exercised all positions at one time, such an event would have no practical impact on the Ethereum market.

The Exchange also believes the proposed position and exercise limits are appropriate given position limits for Ethereum futures. For example, the Chicago Mercantile Exchange ("CME") imposes a position limit of 8,000 futures (for the initial spot month) on its Ethereum futures contract.³⁹ On December 23, 2024, CME Dec 24

³⁸ See Ethereum Price (ETH), Market Cap, Price Today & Chart History—Blockworks.

³⁹ See CME Rulebook Chapter 349 (description of CME Ether Futures) and Chapter 5, Position Limit, Position Accountability and Reportable Level Table in the Interpretations & Special Notices. Each CME Ethereum futures contract is valued at 50 Ethereum as defined by the CME CF Ether Reference Rate ("BRR"). See CME Rule 35001.

³³ 15 U.S.C. 78f(b).

³⁴ 15 U.S.C. 78f(b)(5).

³⁵ *Id.*

³⁶ See Rule 19.3(i)(4).

³⁷ See Cboe Options Rule 8.30.

Ethereum Futures settled at approximately \$3,418.00. A position of 8,000 CME Ethereum futures, therefore, would have a notional value of \$1,367,200,000. A position of approximately 397,789 option contracts would equate to that notional value.⁴⁰ This approximate number of option contracts for the Fidelity Fund that equate to the notional value of CME Ethereum futures is significantly higher than the proposed limit of 25,000 options contract for the Fidelity Fund option. The fact that many options ultimately expire out-of-the-money and thus are not exercised for shares of the underlying, while the delta of a Ethereum Future is 1, further demonstrates how conservative the proposed limit of 25,000 options contracts are for the Fidelity Fund options.

The Exchange notes, unlike options contracts, CME position limits are calculated on a net futures-equivalent basis by contract and include contracts that aggregate into one or more base contracts according to an aggregation ratio(s).⁴¹ Therefore, if a portfolio includes positions in options on futures, CME would aggregate those positions into the underlying futures contracts in accordance with a table published by CME on a delta equivalent value for the relevant spot month, subsequent spot month, single month and all month position limits.⁴² If a position exceeds position limits because of an option assignment, CME permits market participants to liquidate the excess position within one business day without being considered in violation of its rules. Additionally, if at the close of trading, a position that includes options exceeds position limits for futures contracts, when evaluated using the delta factors as of that day's close of trading but does not exceed the limits when evaluated using the previous day's delta factors, then the position shall not constitute a position limit violation. Considering CME's position limits on futures for Ethereum, the Exchange believes that that the proposed same side position limits are

⁴⁰ The notional value of the futures is calculated as follows: 8,000 futures \times 50 (the futures multiplier) \times \$3,418 (the price of one future) = \$1,367,200,000. The number of option contracts that equates to that notional value is calculated as follows: \$1,367,200,000/notional value of one option contract (\$34.37 (share price of Fidelity Fund) \times 100 (option multiplier)) = 397,789 option contracts.

⁴¹ See CME Rulebook Chapter 5, Position Limit, Position Accountability and Reportable Level Table in the Interpretations & Special Notices.

⁴² *Id.*

more than appropriate for Fidelity Fund options.

The Exchange believes the proposed position and exercise limits will have no material impact to the supply of Ethereum. For example, consider again the proposed position limit of 25,000 option contracts for the Fidelity Fund option. As noted above, a position limit of 25,000 same side contracts effectively restricts a market participant from holding positions that could result in the receipt of no more than 2,500,000 shares of the Fidelity Fund (if that market participant exercised all its options). As of December 23, 2024, the Fidelity Fund had 41,700,000 shares outstanding. This means that the approximate number of market participants that could hold the maximum of 25,000 same side positions in the Fidelity Fund that would equate to the number of shares outstanding of that Fund is 16.

This means if 16 market participants had 25,000 same side positions in Fidelity Fund options, each of them would have to simultaneously exercise all of those options to create a scenario that may put the underlying security under stress. The Exchange believes it is highly unlikely for such an event to occur; however, even if either such event did occur, the Exchange would not expect the Fidelity Fund to be under stress because such an event would merely induce the creation of more shares through the trust's creation and redemption process.

As of December 23, 2024, the global supply of Ethereum was approximately 120,000,000, and the price of one Ethereum coin was approximately \$3,418.00,⁴³ which equates to a market capitalization of approximately \$419.31 billion. Based on the \$34.37 price of a Fidelity Fund share on December 23, 2024, a market participant could have redeemed one Ethereum for approximately 99 Fidelity Fund shares. Another 11,880,000,000 Fidelity Fund shares could be created before the then-circulating global supply of Ethereum was exhausted. As a result, 4,752 market participants would have to simultaneously exercise 25,000 same side positions in Fidelity Fund options to receive shares of the Fidelity Fund holding the entire global supply of Ethereum. Unlike the Fidelity Fund, the number of shares that corporations may issue is limited. However, like corporations, which authorize additional shares, repurchase shares, or split their shares, the Fidelity Fund may create, redeem, or split shares in

⁴³ See Ethereum Price (ETH), Market Cap, Price Today & Chart History—Blockworks.

response to demand. Additionally, the supply of Ethereum is unlimited.⁴⁴ The current supply of Ethereum is larger than the available supply of most securities.⁴⁵ Given the significant unlikelihood of any of these events ever occurring, the Exchange does not believe options on the Fidelity Fund should be subject to position and exercise limits even lower than those proposed (which are already equal to the lowest available limit for equity options in the industry) to protect the supply of Ethereum.

The Exchange believes the available supply of Ethereum is not relevant to the determination of position and exercise limits for options overlying the Fidelity Fund.⁴⁶ Position and exercise limits are not a tool that should be used to address a potential limited supply of the underlying of the instrument underlying the option (in this case, the Ethereum being held within the Fidelity Fund). Position and exercise limits do not limit the total number of options that may be held, but rather they limit the number of positions a single customer may hold or exercise at one time.⁴⁷ "Since the inception of

⁴⁴ See Ethereum Price (ETH), Market Cap, Price Today & Chart History—Blockworks; see also Amendment No. 5 to Form S-1 Registration Statement No. 333-278249, Fidelity Fund, filed July 17, 2024, at 17 (noting that approximately 1,700 Ethereum are issued per day, subject to various factors); and Amendment No. 3 to Form S-1 Registration Statement No. 333-257474, ARK 21 Fund, filed May 10, 2024, at 15-16 (noting that approximately 1,700 Ethereum are issued per day, subject to various factors).

⁴⁵ The market capitalization of Ethereum would rank in the top 25 among securities. See <https://companiesmarketcap.com/usa/largest-companies-in-the-usa-by-market-cap/>.

⁴⁶ The Exchange is unaware of any proposed rule change related to position and exercise limits for any equity option (including commodity ETF options) for which the Commission required consideration of whether the available supply of an underlying (whether it be a corporate stock or an ETF) or the contents of an ETF (commodity or otherwise) should be considered when an exchange proposed to establish those limits, other than recently with respect to ETFs that hold Bitcoin. See, e.g., Securities Exchange Act Release No. 57894 (May 30, 2008), 73 FR 32061 (June 5, 2008) (SR-CBOE-2005-11) (approval order in which the Commission stated that the "listing and trading of Gold Trust Options will be subject to the exchanges' rules pertaining to position and exercise limits and margin"); compare to Bitcoin ETF Option Approval. The Exchange notes when the Commission approved the filing to list options on an ETF holding gold, filing, the position limits in Cboe Options Rule 8.30 were the same as they are today. For reference, the current position and exercise limits for options on SPDR Gold Shares ETF ("GLD") and options on iShares Silver Trust ("SLV") are 250,000 contracts, or 10 times that proposed position and exercise limit for the Fidelity Fund options.

⁴⁷ For example, suppose an option has a position limit of 25,000 option contracts and there are a total of 10 investors trading that option. If all 10 investors max out their positions, that would result

standardized options trading, the options exchanges have had rules imposing limits on the aggregate number of options contracts that a member or customer could hold or exercise.”⁴⁸ Position and exercise limit rules are intended “to prevent the establishment of options positions that can be used or might create incentives to manipulate or disrupt the underlying market so as to benefit the options position. In particular, position and exercise limits are designed to minimize the potential for mini-manipulations and for corners or squeezes of the underlying market. In addition, such limits serve to reduce the possibility for disruption of the options market itself, especially in illiquid options classes.”⁴⁹

The Exchange notes that a Registration Statement on Form S-1 was filed with the Commission for the Fidelity Fund, which described the supply of Ethereum and the potential limits to that supply.⁵⁰ The Registration Statement permits an unlimited number of shares of the Fidelity Fund to be created. Further, the Commission approved the listing and trading of shares of the Fidelity Fund, which approval did not comment on the sufficient supply of Ethereum or address whether there was a risk that permitting an unlimited number of shares for the Fidelity Fund would impact the supply of Ethereum.⁵¹ Therefore, the Exchange believes the Commission had ample time and opportunity to consider whether the supply of Ethereum was sufficient to permit the creation of unlimited Fidelity Fund shares, and does not believe considering this supply with respect to the establishment of position and exercise limits is appropriate given its lack of relevance to the purpose of position and exercise limits. However, given the significant size of the Ethereum supply, the proposed positions limit is more than sufficient to protect investors and the market.

Based on the above information demonstrating, among other things, that the Fidelity Fund is characterized by a

in 250,000 option contracts outstanding at that time. However, suppose 10 more investors decide to begin trading that option and also max out their positions. This would result in 500,000 option contracts outstanding at that time. An increase in the number of investors could cause an increase in outstanding options even if position limits remain unchanged.

⁴⁸ See Securities Exchange Act Release No. 39489 (December 24, 1997), 63 FR 276 (January 5, 1998) (SR-CBOE-1997-11).

⁴⁹ See *id.*

⁵⁰ See Amendment No. 5 to Form S-1 Registration Statement No. 333-278249, Fidelity Fund, filed July 17, 2024, at 17.

⁵¹ See Ethereum ETP Approval Order.

substantial number of outstanding shares that are actively traded and widely held, the Exchange believes the proposed position and exercise limits are extremely conservative compared to those of ETF options with similar market characteristics. The proposed position and exercise limits reasonably and appropriately balance the liquidity provisioning in the market against the prevention of manipulation. The Exchange believes these proposed limits are effectively designed to prevent an individual customer or entity from establishing options positions that could be used to manipulate the market of the underlying as well as the Ethereum market.⁵²

The Exchange represents that it has the necessary systems capacity to support the new Fidelity Fund options. As discussed above, the Exchange believes that its existing surveillance and reporting safeguards are designed to deter and detect possible manipulative behavior which might arise from listing and trading Fund Share options, including Fidelity Fund options.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act as options on the Fidelity Fund will be equally available to all market participants who wish to trade such options and will trade generally in the same manner as other options. The Exchange Rules that currently apply to the listing and trading of all Fund Share options on the Exchange, including, for example, Rules that govern listing criteria, expirations, exercise prices, minimum increments, margin requirements, customer accounts, and trading halt procedures will apply to the listing and trading of Fidelity Fund options on the Exchange in the same manner as they apply to other options on all other Fund Shares that are listed and traded on the Exchange. Also, and as stated above, the Commission has approved the trading of options on other commodity-based Fund Shares.⁵³ Further, the Fidelity Fund would need to satisfy the maintenance listing

⁵² See Securities Exchange Act Release No. 39489 (December 24, 1997), 63 FR 276 (January 5, 1998) (SR-CBOE-1997-11).

⁵³ See Rule 19.3(i)(4).

standards set forth in the Exchange Rules in the same manner as any other Fund Share for the Exchange to continue listing options on them.

The Exchange does not believe that the proposal to list and trade options on the Fidelity Fund will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the extent that the advent of Fidelity Fund options trading on the Exchange may make the Exchange a more attractive marketplace to market participants at other exchanges, such market participants are free to elect to become market participants on the Exchange. Additionally, other options exchanges are free to amend their listing rules, as applicable, to permit them to list and trade options on the Fidelity Fund.⁵⁴ The Exchange notes that listing and trading Fidelity Fund options on the Exchange will subject such options to transparent exchange-based rules as well as price discovery and liquidity, as opposed to alternatively trading such options in the OTC market.

The Exchange believes that the proposed rule change may relieve any burden on, or otherwise promote, competition, as it is designed to increase competition for order flow on the Exchange in a manner that is beneficial to investors by providing them with a lower-cost option to hedge their investment portfolios. The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues that offer similar products. Ultimately, the Exchange believes that offering Fidelity Fund options for trading on the Exchange will promote competition by providing investors with an additional, relatively low-cost means to hedge their portfolios and meet their investment needs in connection with Ethereum prices and Ethereum-related products and positions on a listed options exchange.

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 written comments on the proposed rule change.

⁵⁴ As noted above, at least one other options exchange has already proposed to amend its rules to list and trade options on the Fidelity Fund. See Cboe Fidelity Fund Proposal.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

A. by order approve or disapprove such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include file number SR-CboeEDGX-2025-005 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-CboeEDGX-2025-005. 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-2025-005 and should be submitted on or before March 6, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁵⁵

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-02552 Filed 2-12-25; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102377; File No. SR-ISE-2024-35]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To List and Trade Options on the iShares Ethereum Trust

February 7, 2025.

On July 22, 2024, Nasdaq ISE, LLC ("ISE") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to amend Options 4, Section 3, Criteria for Underlying Securities, to allow ISE to list and trade options on the iShares Ethereum Trust. The proposed rule change was published for comment in the **Federal Register** on August 12, 2024.³ The Commission received comment letters regarding the proposed rule change.⁴ On September 24, 2024, pursuant to Section 19(b)(2) of the Act,⁵ the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change.⁶ On November 8,

2024, the Commission instituted proceedings pursuant to Section 19(b)(2)(B) of the Act⁷ to determine whether to approve or disapprove the proposed rule change.⁸

Section 19(b)(2) of the Act⁹ provides that, after initiating disapproval proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposed rule change was published for notice and comment in the **Federal Register** on August 12, 2024.¹⁰ February 8, 2025, is 180 days from that date. The Commission is extending the time period for approving or disapproving the proposed rule change for an additional 60 days. The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider the proposed rule change and the issues raised therein. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,¹¹ designates April 9, 2025, as the date by which the Commission shall either approve or disapprove the proposed rule change (File No. SR-ISE-2024-35).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹²

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025-02553 Filed 2-12-25; 8:45 am]

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Commission designated November 10, 2024, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to approve or disapprove, the proposed rule change.

⁷ 15 U.S.C. 78s(b)(2)(B).

⁸ See Securities Exchange Act Release No. 101571, 89 FR 90205 (Nov. 14, 2024).

⁹ 15 U.S.C. 78s(b)(2).

¹⁰ See *supra* note 3.

¹¹ 15 U.S.C. 78s(b)(2).

¹² 17 CFR 200.30-3(a)(31).

⁵⁵ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 100661 (Aug. 6, 2024), 89 FR 65690.

⁴ Comment letters on the proposed rule change are available at <https://www.sec.gov/comments/sr-ise-2024-35/srise202435.htm>.

⁵ 15 U.S.C. 78s(b)(2).

⁶ See Securities Exchange Act Release No. 101154, 89 FR 79664 (Sep. 30, 2024). The

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20902 and #20903;
PUERTO RICO Disaster Number PR-20003]

**Presidential Declaration Amendment of
a Major Disaster for Public Assistance
Only for the Commonwealth of Puerto
Rico**

AGENCY: U.S. Small Business
Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the Commonwealth of Puerto Rico (FEMA-4850-DR), dated November 27, 2024.

Incident: Tropical Storm Ernesto.

DATES: Issued on February 4, 2025.

Incident Period: August 13, 2024,
through August 16, 2024.

*Physical Loan Application Deadline
Date:* March 6, 2025.

*Economic Injury (EIDL) Loan
Application Deadline Date:* August 27,
2025.

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
Recovery & Resilience, U.S. Small
Business Administration, 409 3rd Street
SW, Suite 6050, Washington, DC 20416,
(202) 205-6734.

SUPPLEMENTARY INFORMATION: The notice
of the President's major disaster
declaration for Private Non-Profit
organizations in the Commonwealth of
Puerto Rico, dated November 27, 2024,

is hereby amended to extend the
deadline for filing applications for
physical damages as a result of this
disaster to March 6, 2025. This notice is
further amended to include the
following areas as adversely affected by
the disaster.

Primary Municipalities: Adjuntas,
Arroyo, Cabo Rojo, Camuy, Fajardo,
Lajas, Las Piedras, Luquillo, Ponce,
Rio Grande, San German, Utuado.

All other information in the original
declaration remains unchanged.

(Catalog of Federal Domestic Assistance
Number 59008)

James Stallings,

*Associate Administrator, Office of Disaster
Recovery & Resilience.*

[FR Doc. 2025-02604 Filed 2-12-25; 8:45 am]

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